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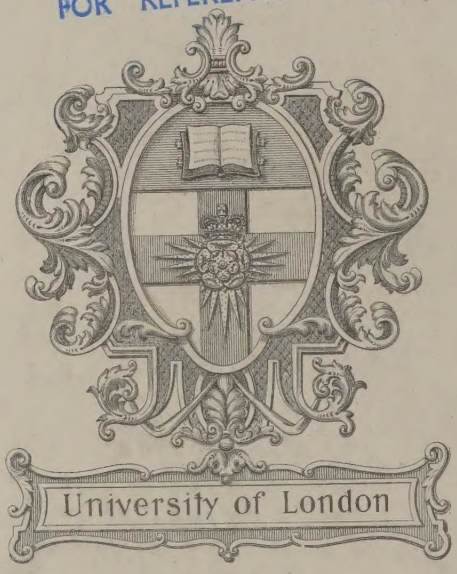

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REPORTS

FROM

COMMITTEES:

SIXTEEN VOLUMES.

—(16.)—

MISCELLANEOUS;
EXPIRED AND EXPIRING LAWS;
FOURDRINIER'S PATENT;
&c.

Session

31 *January* —— 17 *July* 1837.

VOL. XX.

1837.

REPORTS FROM COMMITTEES:

1837.

SIXTEEN VOLUMES:—CONTENTS OF THE

SIXTEENTH VOLUME.

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FROM THE

COMMITTEE

UPON

EXPIRED *and* EXPIRING LAWS:

FOR THE

III[D] Session—XII[TH] Parliament of the United Kingdom of
GREAT BRITAIN AND IRELAND.

(7 WILL. IV., Sess. 1837.)

Ordered, by The House of Commons, *to be Printed,*
18 *March* 1837.

Mercurii 15 ° *die Martii*, 1837.

Ordered, THAT a Committee be appointed to inquire what Temporary Laws of a Public and General Nature, made by the Parliaments of *England*, or *Great Britain*, or *Ireland*, or of the United Kingdom, are now in force, and what Laws of the like nature, passed by the *English*, *British*, *Irish*, or United Parliaments, have expired between the First day of the last Session of Parliament and the First day of the present Session; and also, what Laws of the like nature are about to expire in the course or at the end of the present Session, or on or before the 1st day of August 1838, or in the course or at the end of any Session which may commence during that period, or in consequence of any contingent public event:

And a Committee is appointed, of—

Mr. Baring,	Mr. Charles Wood,
Mr. Attorney General,	Mr. Hume,
Mr. Solicitor General,	Mr. Jervis,
The Lord Advocate,	Sir John Wrottesley,
Sir George Clerk,	Mr. Ewart,
Sir Thomas Fremantle,	Mr. John Benett,
Mr. Edward John Stanley,	Mr. Guest,
Mr. John Parker,	Mr. Bernal,
Sir Henry Hardinge,	Mr. Moore O'Ferrall.

Ordered, THAT the Committee do report their Observations; and have power to send for Persons, Papers and Records.

Ordered, THAT it be an Instruction to the Committee, That they do report their Opinion from time to time to The House, which of the said Laws are fit to be revived, continued, or made perpetual.

Ordered, THAT Five be the Quorum of the Committee.

Ordered, THAT the Committee have power to sit notwithstanding any adjournment of The House.

Ordered, THAT the Report dated 15th February 1836, from the Committee on Temporary Laws of a Public and General Nature, be referred to the said Committee.

REPORT.

THE SELECT COMMITTEE appointed to inquire what TEMPORARY LAWS of a Public and General Nature, made by the Parliaments of England, or Great Britain, or Ireland, or of The United Kingdom, ARE NOW IN FORCE; and what Laws, of the like nature, passed by the English, British, Irish, or United Parliaments, HAVE EXPIRED, between the First day of the Session of Parliament holden in the Sixth and Seventh Years of His present Majesty's Reign, and the First day of the present Session; and also what Laws, of the like nature, ARE ABOUT TO EXPIRE, in the Course, or at the End, of the present Session, or on or before the First day of August 1838; or in the Course, or at the End, of any Session referring to that period; or in consequence of any Contingent Public Event; and to report the same, with their Observations thereupon, to The House: And who were instructed to report their Opinion, from time to time, to The House, which of the said Laws are fit to be revived, continued, or made perpetual:—

HAVE proceeded to an Examination of the Matters referred to them: And beg leave to present to The House;

First: A detailed STATEMENT or REGISTER of all the TEMPORARY LAWS, of a Public and General Nature, now in force; which have been enacted by the PARLIAMENTS of ENGLAND, or GREAT BRITAIN, or IRELAND, or of The UNITED KINGDOM, from the Commencement of the Reign of King WILLIAM the Third, to the 20th day of August 1836, being the last day of the last Session of Parliament; specifying the Matter, Date, Chapter and Title, of each of the original Acts, and the Dates and Chapters of the respective subsidiary Acts by which they have been either amended or continued.—In drawing up this Statement or Register, They have proceeded, by continuing the Enumeration of Laws contained in the Report of the Committee on Expired and Expiring Laws, ordered to be printed on the 15th day of February 1836, and adding thereto such Temporary Laws as have since been passed, and are now in force; and also, by making such Alterations therein, as have been rendered necessary by other Laws which were passed during the last Two Sessions.

Secondly: Your Committee have drawn up an Enumeration of all the Public General Laws, of a Temporary Nature, which HAVE EXPIRED between the 4th day of February 1836, being the First day of the last Session of Parliament, and the 31st day of January 1837, being the First day of the present Session: Omitting only such Annual and other Acts as have been replaced by subsequent Acts now in force.

Thirdly: Your Committee have drawn up an Enumeration of all the Public General Laws which are ABOUT TO EXPIRE, in the Course, or at the End, of the present Session, or on or before the First day of August 1838, or in the Course, or at the End, of any Session referring to that Period: and they have arranged this Enumeration chronologically, according to the Dates at which they will expire respectively.

Fourthly: Your Committee have drawn up an Enumeration of Laws, the Duration whereof depends on PUBLIC CONTINGENCIES. In this List they have not thought it necessary to include several, which, though of a Temporary and Contingent Duration, do not seem to require any special Notice; namely, such as have been made for the Funding of particular Loans, or for granting Personal Annuities, &c. &c.

To the Whole, Your Committee have subjoined an ALPHABETICAL TABLE of the Matters of the several Acts enumerated in their Report.

18 *March*, 1837.

L I S T.

I.—REGISTER of TEMPORARY LAWS, now in force, including those of the Parliament of Ireland, from the Commencement of the Reign of King WILLIAM III. to the 31st day of January 1837; the First day of the present Session 7 WILLIAM IV.

(A.) Of the ENGLISH and BRITISH PARLIAMENTS; to The Union of Great Britain and Ireland - pages 5—7

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II.—LIST of EXPIRED LAWS; viz.

Between 4th February 1836 and 31st January 1837 - - - - - - - - - - - 25

III.—LIST of EXPIRING LAWS; viz.

AT the END of the PRESENT SESSION - - - - - - - - - - - - - - - 26—28

After 31st January 1837, and on or before 1st August 1838, &c. - - - - - - - - 28

IV.—LIST of LAWS, whereof the Duration depends on Public Contingencies - 29, 30

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I.

REGISTER OF TEMPORARY LAWS NOW IN FORCE.

(A.) ACTS OF THE ENGLISH AND BRITISH PARLIAMENTS:

FROM THE COMMENCEMENT OF THE REIGN OF KING WILLIAM III. TO THE UNION OF GREAT BRITAIN AND IRELAND.

Matter.	*Date.*	*Ch.*	*Title of the Act.*	*Duration.*
1. BANK of ENGLAND.	5,6 W.&M.	20 § 20. 21.	For granting to their Majesties several rates and duties upon Tonnage of Ships and Vessels, and upon Beer, Ale, and other Liquors; for securing certain recompences and advantages, in the said Act mentioned, to such persons as shall voluntarily advance the sum of £. 1,500,000. towards the carrying on the war against France. See also 6 Ann, c. 22. &c. (N° 3.)	Till Redemption of all Bank Annuities created by Parliament.
	8,9 W. 3.	20 § 26. 27, 28.		
	9,10 W. 3.	44 § 75.		
	N. B. This Corporation further continued by successive Loan Acts down to			
	10 Geo. 4.	31. § 24.		
2. EAST INDIA COMPANY.	9,10 W. 3. continued and extended by	44.	For raising a sum, not exceeding Two Millions, upon a fund for payment of Annuities after the rate of eight pounds per centum per annum, and for settling the trade to the East Indies.	Till Expiration of three Years' Notice, &c. [*See post*, 3, 4 Will. IV. c. 85. No. 52.]
	6 Ann.	17.		
	10 Ann.	28.		
	3 Geo. 2.	14.		
	17 - -	17.		
	13 Geo. 3.	64.		
	19 - -	61.		
	20 - -	56.		
	21 - -	65.		
	33 - -	52.		
	53 - -	155.		
	54 - -	34.		

N. B.—See also the following Acts relating to the East India Company; *viz.*—7 Geo. 1. st. 1. c. 5. § 32, 33; 7 Geo. 3. c. 50; 10 Geo. 3. c. 47; 23 Geo. 3. c. 22; 26 Geo. 3. c. 62; 28 Geo. 3. c. 29; 29 Geo. 3. c. 65; 31 Geo. 3. c. 11; 33 Geo. 3. c. 47; 34 Geo. 3. c. 41; 37 Geo. 3. c. 31; 44 Geo. 3. c. 3; 47 Geo. 3. st. 2. c. 41; 51 Geo. 3. c. 64; & 52 Geo. 3. c. 121; as to the Interest on, and increase of, their Capital Stock and Bond Debt:—7 Geo. 3. c. 57; 9 Geo. 3. c. 24; 23 Geo. 3. cc. 36, 83; 24 Geo. 3. c. 34; 50 Geo. 3. c. 114; 52 Geo. 3. cc. 10, 135; and 3 Geo. 4. c. 93; as to Payments by the Company, and relief or advances to the Company:—7 Geo. 3. c. 50; 10 Geo. 3. c. 47; 13 Geo. 3. c. 63; 17 Geo. 3. c. 8; 21 Geo. 3. c. 70; 26 Geo. 3. c. 25; 27 Geo. 3. c. 48; 33 Geo. 3. c. 52; 36 Geo. 3. cc. 119, 127; 37 Geo. 3. c. 142; 39 Geo. 3. c. 59; 39 & 40 Geo. 3. cc. 59, 79; 41 Geo. 3. (U. K.) c. 21; 42 Geo. 3. c. 29; 45 Geo. 3. c. 36; 47 Geo. 3. st. 2. c. 68; 51 Geo. 3. c. 75; 53 Geo. 3. c. 155; 55 Geo. 3. cc. 64, 84; 4 Geo. 4. c. 71; 5 Geo. 4. c. 108; 6 Geo. 4. c. 85; 7 Geo. 4. c. 56; 10 Geo. 4. c. 15; for Regulating the affairs of the Company in India and Europe:—24 Geo. 3. st. 2. c. 25; 26 Geo. 3. c. 57; 28 Geo. 3. c. 8; 31 Geo. 3. c. 10; for erecting the Board of Control, &c.—28 Geo. 3. c. 8; 31 Geo. 3. c. 10; 33 Geo. 3. c. 52; 37 Geo. 3. c. 74; 39 Geo. 3. c. 109; 43 Geo. 3. c. 48; 50 Geo. 3. c. 87; 52 Geo. 3. c. 122; 53 Geo. 3. c. 155; 1 Geo. 4. c. 99; 4 Geo. 4. cc. 71, 81; 6 Geo. 4. c. 61; 7 Geo. 4. c. 52; relating to the military and naval forces and volunteers in the Company's pay:—6 Ann. c. 3; 7 Geo. 1. st. 1. c. 21. § 9; 33 Geo. 3. c. 52; 37 Geo. 3. c. 117; 42 Geo. 3. c. 77; 48 Geo. 3. c. 30; 53 Geo. 3. c. 155; 54 Geo. 3. c. 34; 57 Geo. 3. cc. 36, 95; 1, 2 Geo. 4. c. 65; 4 Geo. 4. c. 80; 5 Geo. 4. c. 88; 7 Geo. 4. c. 56; as to their Exclusive trade, and the Permitted trade of individuals:—12 Geo. 3. c. 54; 43 Geo. 3. cc. 63, 137; 46 Geo. 3. c. 85; 55 Geo. 3. c. 116; 57 Geo. 3. c. 120; 58 Geo. 3. c. 83:—54 Geo. 3. c. 36, (in part repealed by 6 Geo. 4. c. 105;) 54 Geo. 3. c. 103; 4 Geo. 4. c. 72; as to Regulations for payment, &c. of customs duties on East India goods:—9 Geo. 4. c. 73. as to Insolvents:—and c. 74. as to Administration of Criminal Justice in the East Indies:—3, 4 Will. IV. c. 93; to regulate the Trade to China and India: and 4, 5 Will. IV. c. 33, as to Deposits upon Teas sold at the Company's Sales.

(A.) ACTS OF THE ENGLISH AND BRITISH PARLIAMENTS—*continued.*

Matter.	*Date.*	*Ch.*	*Title of the Act.*	*Duration.*	
3. BANK of ENGLAND Continuance: and OTHER BANKERS LIMITED.	6 Ann.	22. § 9.	For continuing several duties, &c., and for securing the credit of the Bank of England, &c. &c.	Determinable upon one Year's Notice given within Six Months after 1 August & Repayment, &c.	1844
	7 - -	7 § 5. 6. 7. 61.	[§ 9. of 6 Ann. restricts the number of Partners to *Six* in all other Banks in England issuing Notes on demand, &c., during the continuance of the Bank of England Corporation. The period of that continuance, and of the restriction on other Banks, is enlarged by the subsequent Acts. The original continuance under 5, 6 W. & M. c. 20. was until 12 months' notice after 1 August 1705; enlarged to 1710, by 8, 9 W. & M. c. 20. (see *ante* N° 1.) and afterwards by 7 Ann, and the subsequent Acts, to 1732, 1742, 1764, 1786, 1812, and by 39, 40 Geo. 3. to 1833. By 3 Will. IV. c. 98. § 2. Banking Corporations or Societies or Partnerships of more than Six Persons in number, are prohibited from issuing Notes or Bills payable on demand, in London or elsewhere, within 65 miles thereof. But by § 3. of that Act, any Body Politic or Corporate, or Society, or Company, or Partnership, although consisting of more than Six Persons, may carry on the business of Banking, in London or within 65 miles thereof; Provided that they do not borrow, owe, or take up, in England, any sums on their Bills or Notes, payable on demand, or at any less time than Six Months, during the continuance of the privileges granted to the Bank of England.]		
	12 - -	11 § 23. 24. 25.			
	15 Geo. 2.	13 § 3. 4. 5.			
	4 Geo. 3.	25 § 12. 13. 14.			
	21 - -	60 § 11. 12.			
	39, 40 -	28 § 14. 15.			
	56 - -	96.	By 56 Geo. 3. c. 96. § 4. Bank of England Notes were declared receivable in payment of the Public Revenues. By § 6. of 3, 4 Will. IV. c. 98. such Bank Notes are declared a legal Tender for all sums above £. 5; except at the Bank of England and its Branch Banks.		
	7 Geo. 4.	46.			
	3, 4 W. IV.	98.			
	4, 5 W. IV.	80.	By 4, 5 Will. IV. c. 80. Provision is made for the repayment to the Bank of one-fourth of the Debt from the Public to the Bank; and the Bank is continued a Corporation until the Redemption of £. 4,080,000 mentioned in that Act.		
4. ROYAL FAMILY.	18 Geo. 3. and *see*	31.	For enabling his Majesty to settle on their Royal Highnesses the Princes [Frederick Bishop of Osnaburgh,(1)] [William Henry,(2)] [Edward,(3)] Ernest Augustus, Augustus Frederick, and Adolphus Frederick, an Annuity of Sixty thousand Pounds per annum;(4) and also to settle on their Royal Highnesses the Princesses [Charlotte Augusta Matilda, (5)] Augusta Sophia, Elizabeth, Mary, and Sophia, one other Annuity of Thirty thousand Pounds per annum; and also to settle on his Highness Prince William Frederick, one other Annuity of Eight thousand Pounds per annum;(6) and on her Highness the Princess Sophia Matilda, one other Annuity of Four thousand Pounds per annum.	The respective Lives of the Grantees.	
	46 - -	145.			
	47 - - st. 1.	39.			
	52 - -	57.			
	1 Geo. 4.	108.			
	1 Will. IV. Sess. 2.	25. § 9. 11.			

N. B.—By 39 Geo. 3. c. 30. his Majesty was enabled to settle on her Royal Highness Princess Amelia, part of the said Annuity of £. 30,000.—The Princess died 2d Nov. 1810. By 52 Geo. 3. c. 57. the annuity to the Princesses is increased to £. 36,000.

(1) Prince Frederick Duke of York, deceased 5 January 1827.

(2) His present Majesty King William IV.; this has ceased; (*see* stat. 1 Will. IV. st. 2. c. 25. § 9.)

(3) Prince Edward, Duke of Kent, deceased 23 January 1820.

(4) This Annuity of £. 60,000 was, by § 2 of 1 Geo. 4. c. 108, charged on the Consolidated Fund during the life of his Majesty King George IV.; and by stat. 1 Will. IV. st. 2. c. 25. § 11, the Annuities of £. 15,000 each, payable to the three Princes (the Dukes of Cumberland, Sussex, and Cambridge), are charged on that Fund, during *their* respective lives.

[For further Grants, see *post* N° 10, 14, 15, 16, 18, 21, 27, 42, 43.]

(5) Princess Charlotte Augusta Matilda, Queen of Wirtemburgh, deceased 6 Oct. 1828.

(6) Prince William Frederick, Duke of Gloucester, deceased 30 Nov. 1834.

(A.) ACTS OF THE ENGLISH AND BRITISH PARLIAMENTS—*continued.*

Matter.	*Date.*	*Ch.*	*When passed.**	*Title of the Act.*	*Duration.*	
5. ANNUITIES.	29 Geo. 3. amended 30 - -	41. 45.		For raising a certain sum of Money, by way of Annuities, to be attended with the benefit of survivorship, in classes. [By the Act 30 Geo. 3. these Annuities are converted into annuities for 69 years and ¼ from 10th October 1790.]	5 January	1860
6. EAST INDIA COMPANY. (Friendly Ships.)	37 Geo. 3.	117.	19 July 1797.	For regulating the Trade to be carried on with the British Possessions in India, by the ships of Nations in amity with His Majesty.	Continuance of the East India Company's Trade & Territorial Rights. (See N° 2.)	
7. MILITIA, ENGLISH. ALLOWANCES to DISEMBODIED ADJUTANTS, &c.	39 & 40 Geo. 3. revived and continued	44.	30 May 1800.	For granting, [until, &c.] certain Allowances to Adjutants, Serjeant Majors, and Serjeants of Militia, disembodied under an Act of this Session of Parliament, intituled, "An Act for enabling his Majesty to accept the services of an additional number of Volunteers from the Militia, under certain restrictions."		
	41 (U.K.) revived, continued and amended, by Annual Militia Acts; The last,	55.				
	6,7 W. IV.	93. § 22,23.	19 Aug. 1836.	By the last section of the Act 6, 7 Will. IV. c. 93, *that Act* is continued in force until - - See *post*, N° 78.	30 June	1837

* The Date of passing appears on the face of all *British* Acts passed after 8th April 1793, in pursuance of the directions in the British Act 33 Geo. 3. c. 13.—But it does not appear on the *Irish* Acts, as printed, until 39 Geo. 3. though the Regulation of the British Act 33 Geo. 3. c. 13, was enacted in Ireland by 35 Geo. 3. (I.) c. 12.

(B.) ACTS OF THE IRISH PARLIAMENT,

PASSED BEFORE THE UNION OF GREAT BRITAIN AND IRELAND

(Amended by Acts of the Parliament of the United Kingdom.)

Matter.	*Date.*	*Ch.*	*Title of the Act.*	*Duration.*	
8.	21,22 Geo. 3.	16.	For establishing a Bank, by the name of The Governor and Company of the Bank of Ireland.	After 1 January on previous Notice to the Bank, and Redemption by Government.	1837
	amended by				
	31 - -	22.			
BANK of IRELAND.	37 - -	50.			
	Acts of the United Parliament.				
	48 - -	103.	By 3 Geo. 4. c. 26. the Loan of £. 1,250,000 from the Bank to Government under the Act 48 Geo. 3. c. 103. is to be repaid on - - - - - - -	1 January	1838
	1,2 Geo. 4.	72.	And the rate of Interest thereon is reduced to 4 per cent. See *post*, N° 23.		
	3 Geo. 4.	26.			

(C.) ACTS OF THE UNITED PARLIAMENT;

SUBSEQUENT TO 1ST JANUARY 1801:

THE COMMENCEMENT OF

THE UNION OF GREAT BRITAIN AND IRELAND.

Matter.	*Date.*	*Ch.*	*When passed.*	*Title of the Act.*	*Duration.*	
9. ANNUITIES.	43 Geo. 3.	67.	24 June 1803.	For raising the sum of Twelve Millions, by way of Annuities.	56 Years and 9 Months from 5 April 1803; *i. e.* 5 January	1860
10. ROYAL FAMILY.	46 Geo. 3.	145.	22 July 1806.	For enabling his Majesty to settle Annuities on certain Branches of the Royal Family.[1]	During the Lives of the Grantees.	
	amended					
	47 (st. 1.)	39.	9 April 1807.	[1] Viz. Dukes of [Clarence,[2]] [Kent,[3]] Cumberland, Sussex, and Cambridge, [Princess Charlotte of Wales,[4]] [Duchess Dowager of Gloucester,[5]] [Duke of Gloucester,[6]] and Princess Sophia of Gloucester. [2] His present Majesty King William IV. This has ceased, *see* 1 Will. IV. st. 2. c. 25. § 9. 3, 4, 5, 6 Expired, as to these Grantees, by their decease.		
11. ARMS; IRELAND.	47 Geo. 3. (st. 2.)	54.	13 Aug. 1807.	To prevent improper persons from having Arms in Ireland.	28 July and END of then NEXT SESSION.	1837
	continued & amended					
	50 Geo. 3.	109.				
	continued					
	53 Geo. 3.	78.				
	revived & continued					
	57 Geo. 3.	21.				
	1 Geo. 4.	47.				
	continued					
	4 Geo. 4.	14.				
	continued & amended					
	10 Geo. 4.	47.				
	revived & continued					
	1, 2 Will. IV.	47.				
	continued.					
	2, 3 Will. IV.	70, § 1.				
	4, 5 Will. IV.	53, § 1.				
	6, 7 Will. IV.	39, § 1.	28 July 1836.			
12. PORTUGUESE DOMINIONS, (Trade with.)	51 Geo. 3.	47.	31 May 1811.	For carrying into effect the Provisions of a Treaty of Amity, Commerce, and Navigation, concluded between his Majesty and his Royal Highness the Prince Regent of Portugal. And see § 8 of 59 Geo. 3. 54. *post*, N° 20.	Continuance of the Treaty (dated 19 Feb. 1810) with Portugal.	

(C.) ACTS OF THE UNITED PARLIAMENT—*continued.*

Matter.	*Date.*	*Ch.*	*When passed.*	*Title of the Act.*	*Duration.*	
13. CREDITORS: (Scotland.)	54 Geo. 3. continued	137.	25 July 1814.	For rendering the Payment of Creditors more equal and expeditious in Scotland.	1 May and END of then NEXT SESSION.	1837
	3 Geo. 4.	29.				
	4 Geo. 4.	8.				
	6 Geo. 4.	11.				
	7,8 Geo. 4.	11.				
	10 Geo. 4.	11.				
	1 Will. IV. st. 2.	16.				
	2 Will. IV.	35.				
	4,5 Will. IV.	74.				
	6,7 Will. IV.	90.	17 Aug. 1836.			
14. ROYAL FAMILY.	56 Geo. 3.	24.	11 April 1816.	For better enabling his Majesty to make provision for the Establishment of [her Royal Highness the Princess Charlotte Augusta, and[1]] his Serene Highness Leopold George Frederick Duke of Saxe, Margrave of Meissen, Landgrave of Thuringuen, Prince of Coburgh of Saalfield. [1] Expired, as to the Princess, by her decease in 1817.	Life of Prince Leopold.	
15. ROYAL FAMILY.	58 Geo. 3.	24.	8 May 1818.	For enabling his Majesty [to make further Provision for his Royal Highness the Duke of Cambridge; and[1]] to settle an Annuity on the Princess of Hesse, in case she shall survive his said Royal Highness[2]. [1] As to the Duke, see now 1 Geo. 4. c. 108. *post*, N° 21.	[2]The Princess's Life.	
16. ROYAL FAMILY.	58 Geo. 3.	25.	8 May 1818.	For enabling his Majesty to settle an Annuity on her Royal Highness the Duchess of Cumberland, in case of her surviving his Royal Highness the Duke of Cumberland.	Life of the Duchess.	
17. CHURCHES.	58 Geo. 3. amended	45.	30 May 1818.	For building, and promoting the building, of Additional Churches in populous Parishes. By § 8 of 58 Geo. 3. c. 45. the duration of the Commissions granted to the Commissioners for executing the Acts, unless revoked by the King, was limited to 10 years. By § 1 of 7, 8 Geo. 4. c. 72, the duration is extended 10 years further.	20 July	1838
	59 Geo. 3.	134.				
	3 Geo. 4.	72.				
	5 Geo. 4. and continued	103.				
	7,8 Geo. 4. amended	72.	2 July 1827.			
	1,2 Will. IV.	38.	15 Oct. 1831.			
	2,3 Will. IV.	61.	11 July 1832.			

(C.) ACTS OF THE UNITED PARLIAMENT—*continued.*

Matter.	*Date.*	*Ch.*	*When passed.*	*Title of the Act.*	*Duration.*	
18. ROYAL FAMILY.	58 Geo. 3.	53.	30 May 1818.	For enabling his Majesty [to make further Provision for his Royal Highness the Duke of Kent, and [1]] to settle an Annuity on the Princess of Leiningen, in case she shall survive his said Royal Highness [2]. [1] Expired, as to the Duke, by the decease of his Royal Highness. See as to the Princess Alexandrina Victoria of Kent, *post*, N° 43.	[2] The Princess's Life.	
19. ASSESSED TAXES, (Great Britain.)	59 Geo. 3. amended	51.	2 July 1819.	To relieve persons compounding for their Assessed Taxes from an Annual Assessment, [for the term of three years.]		
	1 Geo. 4. continued & amended	73.				
	1, 2 Geo. 4. amended	113.				
	3 Geo. 4.	50.				
	4 Geo. 4.	11 § 3, &c. 45.		The Act 4 Geo. 4. c. 11. repeals one Moiety of the amount of certain of these Taxes, and the Whole of others.		
	5 Geo 4. continued & amended	44.				
	7 Geo. 4.	22.				
	10 Geo. 4.	21.				
	1 Will. IV.	35.		The Act 1 Will. IV. c. 35. repeals the Duty on Sons of Employers under 21; and on certain Horses and Carriages.		
	1, 2 Will. IV.	7.				
	2, 3 Will. IV. continued	113.				
	3, 4 Will. IV. continued & amended	34.				
	4, 5 Will. IV.	54. 60.	13 Aug. 1834.	By § 1. (and see § 5) of 4, 5 Will. IV. c. 54. Assessments for the year ending 5 April 1835 shall remain at the same amount (if compounded for under that Act) for 5 years, *i. e.* until - - - - - -	5 April	1840
				The Act 4, 5 Will. IV. c. 60. is "For amending the Laws relating to the Land and Assessed Taxes; and to consolidate the Boards of Stamps and Taxes."		
	5, 6 Will. IV.	20.	30 July 1835.	The Act 5, 6 Will. IV. c. 20. is "To consolidate certain Offices in the Collection of the Revenues of Stamps and Taxes, and to amend the Laws relating thereto."		
		64.	9 Sept. 1835.	The Act 5, 6 Will. IV. c. 64. is "To alter certain Duties of Stamps and Assessed Taxes; and to regulate the Collection thereof."		

(C.) ACTS OF THE UNITED PARLIAMENT—*continued.*

Matter.	*Date.*	*Ch.*	*When passed.*	*Title of the Act.*	*Duration.*	
20. AMERICAN AND PORTUGAL TRADE.	59 Geo. 3.	54.	2 July 1819.	To carry into effect a Convention of Commerce, concluded between his Majesty and the United States of America, and a Treaty with the Prince Regent of Portugal. As to Portugal trade, see also *ante*, N° 12; and see § 12. of 59 Geo. 3. c. 54. as to similar treaties with other Powers, and *post*, N° 28, as to American Trade; and 2, 3 Will. IV. c. 84. §62–64, as to future Treaties with Foreign Powers.	[Duration of the Convention with America, dated 20th October 1818.]	
21. ROYAL FAMILY.	1 Geo. 4.	108.	24 July 1820.	For enabling His Majesty to settle Annuities upon certain Branches of the Royal Family, in lieu of Annuities which have ceased upon the demise of his late Majesty. [1] § 1. As to Annuities under this Act to Dukes of [York,[2]] [Clarence[3]] and Cambridge, Princesses Augusta-Sophia, Hesse-Homburg, [Elizabeth,] Duchess of Gloucester [Mary,] and Princess Sophia. [2] Expired by H. R. Highness's death, 5 Jan. 1827. [3] His present Majesty King William IV. This has ceased; *see* 1 Will. IV. st. 2. c. 25. § 9.	[1] Lives of the several Grantees.	
22. INSOLVENT DEBTORS, (Ireland.)	1, 2 Geo. 4. amended 3 Geo. 4. continued 7, 8 Geo. 4. continued & amended 10 Geo. 4. continued 1 Will. IV. 2 Will. IV. amended 1, 2 Will. IV. continued 4, 5 Will. IV. 6 Will. IV.	59. 124. 22. 36. 33. 38. 31 § 22 56. 23.	23 June 1821. 21 June 1836.	For the relief of Insolvent Debtors in Ireland.	21 June and END of then NEXT SESSION.	1839
23. BANK of IRELAND.	1, 2 Geo. 4.	72. *	2 July 1821.	To establish an agreement with the Governor and Company of the Bank of Ireland, for advancing the sum of £. 500,000 (I. C.) and to enable the said Governor and Company to enlarge the Capital Stock or Fund of the said Bank to £. 3,000,000. * § 2. Time of repayment to the Bank by Government; (and see 3 Geo. 4. c. 6. *ante*, N° 8.)	1 January	1838

(C.) ACTS OF THE UNITED PARLIAMENT—*continued.*

Matter.	*Date.*	*Ch.*	*When passed.*	*Title of the Act.*	*Duration.*	
24. HIGHLAND ROADS and BRIDGES, (Scotland.)	4 Geo. 4.	56.	8 July 1823.	For maintaining in repair the Military and Parliamentary Roads and Bridges in the Highlands of Scotland; and also certain Ferry Piers and Shipping Quays erected by the Commissioners for Highland Roads and Bridges. The Act 5 Geo. 4. also amends 59 Geo. 3. c. 135, a permanent Act for the Repair of other Roads, &c. in Scotland.	8 July and END of then NEXT SESSION.	1844
	amended					
	5 Geo. 4.	38.	17 May 1824.			
25. NEWFOUNDLAND, (Judicature.)	5 Geo. 4.	67.	17 June 1824.	For the better administration of Justice in Newfoundland; and for other purposes.	Until repealed, &c. by the Colonial Legislature.	
	continued					
	10 Geo. 4.	17.	14 May 1829.			
	2, 3 Will. IV.	78. § 1.	1 Aug. 1832.			
26. NEWFOUNDLAND, (Marriages.)	5 Geo. 4.	68.	17 June 1824.	To repeal an Act [57 Geo. 3. c. 51.] to regulate the Celebration of Marriages in Newfoundland; and to make further Provisions for the Celebration of Marriages in the said Colony and its Dependencies.	Until repealed, &c. by the Colonial Legislature.	
	continued					
	10 Geo. 4.	17.	14 May 1829.			
	2, 3 Will. IV.	78. § 1.	1 Aug. 1832.			
27. ROYAL FAMILY.	6 Geo. 4.	71.	22 June 1825.	To enable His Majesty to grant an annual Sum to his Royal Highness Ernest Augustus Duke of Cumberland, for the purpose of enabling his said Royal Highness to provide for the Support and Education of his Highness Prince George Frederick Alexander Charles Ernest Augustus of Cumberland.	Until the Prince shall attain 18 years of age, *i. e.* 27 May	1837
28. AMERICAN TRADE, &c.	7 Geo. 4.	5.	22 Mar. 1826.	To give effect to Treaties of Commerce with Countries in America not at present provided with National Merchant Shipping.	Seven Years after Date of respective Treaties.	
29. INSOLVENTS, (England.)	7 Geo. 4.	57. (see § 91)	26 May 1826.	To amend and consolidate the Laws for the Relief of Insolvent Debtors in England.	1 June and END of then NEXT SESSION.	1837
	continued & amended					
	1 Will. IV.	38.				
	2 Will. IV.	44.				
	all continued.					
	6, 7 Will. IV.	44.	28 July 1836.			

(C.) ACTS OF THE UNITED PARLIAMENT—*continued.*

Matter.	*Date.*	*Ch.*	*When passed.*	*Title of the Act.*	*Duration.*	
30. INSOLVENTS, EAST INDIES.	9 Geo. 4. continued.	73.	19 July 1828.	To provide for the Relief of Insolvent Debtors in the East Indies; until - -	1 March and END of then NEXT SESSION.	1839
	2 Will. IV. amended.	43.	1 June 1832.			
	4, 5 Will. IV. continued.	79.	14 Aug. 1834.			
	6, 7 Will. IV.	47.	28 July 1836.			
31. NEW SOUTH WALES, &c.	9 Geo. 4. continued.	83.	25 July 1828.	To provide for the Administration of Justice in New South Wales and Van Diemen's Land, and for the more effectual Government thereof, and for other purposes relating thereto.	31 December and END of then NEXT SESSION.	1837
	6, 7 Will. IV.	46.	28 July 1836.			
32. CANADA, Welland Canal.	9 Geo. 4.	91.	25 July 1828.	To authorize the advance of a certain Sum out of the Consolidated Fund, for the completion of the Welland Canal Navigation in Upper Canada. (To be repaid in 10 Years.)	25 July	1838
33. AUSTRALIA, NEW HOLLAND.	10 Geo. 4. continued	22.	14 May 1829.	To provide for the Government of His Majesty's Settlements in Western Australia, on the Western Coast of New Holland.	31 December and END of then NEXT SESSION.	1838
	5, 6 Will. IV.	14.	3 July 1835.			
	6, 7 Will. IV.	68.	13 Aug. 1836			
34. FRIENDLY SOCIETIES.	10 Geo. 4. amended.	56. *	19 June 1823.	To consolidate and amend the Laws relating to Friendly Societies. * § 40, of 10 Geo. 4. c. 56. as to continuance of former Acts, and Societies established under them, was prolonged by § 1. of 2 Will. IV. c. 37. until 29 September 1834; and by § 14 of 4, 5 Will. IV. c. 40, is further prolonged until they shall conform to the Act 10 Geo. 4. as amended by 4, 5 Will. IV. c. 40.	Until conformity with 10 Geo. 4. cc. 56, &c.	
	2 Will. IV.	37.	23 May 1832.			
	4, 5 Will. IV.	40	30 July 1834.			
	5, 6 Will. IV.	23.	21 Aug. 1835.	The Act 5, 6 Will. IV. c. 23. is for the establishment of Loan Societies in England and Wales; and to extend the provisions of the Friendly Societies Acts to the Islands of Guernsey, Jersey and Man. *See* also 6, 7 Will. IV. c. 32. as to Benefit Building Societies.		
35. ANNUITIES.	11 Geo. 4.	13.	3 May 1830.	For transferring certain Annuities of £.4 per cent. per annum into Annuities of £.3. 10*s.* or £.5 per cent. per annum.		
				§ 1. The New £.3. 10*s.* per cents per annum are not redeemable until after - -	5 January	1840
				§ 2. The New £.5 per cents after - -	5 January	1873

(C.) ACTS OF THE UNITED PARLIAMENT—*continued.*

Matter.	*Date.*	*Ch.*	*When passed.*	*Title of the Act.*	*Duration.*	
36. NOVA SCOTIA (Canal.)	1 Will. IV.	34.	16 July 1830.	To authorize the advance of a certain Sum out of the Consolidated Fund for the completion of the Shubenaccadie Canal in Nova Scotia. § 1. To be repaid in 10 years - - -	16 July	1840
37. ARMS, Importation, &c. (Ireland.)	1 Will. IV. continued	44.	16 July 1830.	To regulate the Importation of Arms, Gunpowder and Ammunition into Ireland; and the making, removing, selling and keeping of Arms, Gunpowder and Ammunition in Ireland.	28 July and END of then NEXT SESSION.	1837
	2, 3 Will. IV.	70. § 2.	1 August 1832.			
	4, 5 Will. IV.	53. § 2.	13 Aug. 1834.			
	6, 7 Will. IV.	39. § 2.	28 July 1836.			
38. BEER, &c. Hereditary Duties.	1 Will. IV.	51.	16 July 1830.	To Repeal certain of the Duties on Cyder in the United Kingdom, and upon Beer and Ale in Great Britain, and to make other Provisions in relation thereto. § 5. Annual Payments to His Majesty in lieu of Hereditary Duties on Beer, Ale and Cyder.	Life of THE KING.	
39. ROYAL FAMILY. REGENCY.	1 Will. IV. Stat. 2.	2.	23 Dec. 1830.	To provide for the Administration of the Government, in case the Crown shall descend to Her Royal Highness the Princess Alexandrina Victoria, Daughter of his late Royal Highness the Duke of Kent, being under the age of Eighteen Years; and for the care and guardianship of her Person. [The duration of this Act depends also on the Birth of Issue of His Majesty by The Queen.]	Life of THE PRINCESS until 24 May 1837.	
40. THE KING. Civil List. Hereditary Revenue.	1 Will. IV. Stat. 2.	25.	23 April 1831.	For the Support of His Majesty's Household, and of the honour and dignity of the Crown of the United Kingdom of Great Britain and Ireland. *See* 2, 3 Will. IV. c. 116, as to Salaries and Payments heretofore made out of the Civil List Revenue, and 3, 4 Will. IV. c. 81, as to Furniture, &c. of Buckingham Palace.	Life of His present MAJESTY, King WILLIAM IV.	
41. DUCHY of CORNWALL.	1, 2 Will. IV.	5.	30 July 1831.	To enable His Majesty to make Leases, Copies and Grants of Offices, Lands and Hereditaments, parcel of the Duchy of Cornwall, or annexed to the same.	While the Duchy remains vested in THE KING.	

(C.) ACTS OF THE UNITED PARLIAMENT—*continued.*

Matter.	*Date.*	*Ch.*	*When passed.*	*Title of the Act.*	*Duration.*	
42. ROYAL FAMILY. THE QUEEN.	1, 2 Will. IV.	11.	2 Aug. 1831.	For enabling His Majesty to make provision for supporting the Royal Dignity of The Queen in case she shall survive His Majesty.	Life of HER MAJESTY.	
43. ROYAL FAMILY. DUCHESS OF KENT. PRINCESS ALEXANDRINA VICTORIA.	1, 2 Will. IV.	20.	6 Sept. 1831.	To enable His Majesty to grant an annual Sum to Her Royal Highness Victoria Maria Louisa, Duchess of Kent, for a more adequate Provision for her Royal Highness, and for the honourable Support and Education of Her Royal Highness the Princess Alexandrina Victoria of Kent. As to £. 4,000 - - - - - As to £. 6,000 - - - - -	Life of the DUCHESS of KENT. Life of the PRINCESS VICTORIA.	
44. PUBLIC WORKS, (Ireland.)	1, 2 Will. IV. amended	33.	15 Oct. 1831.	For the Extension and Promotion of Public Works in Ireland. *See* § 97 of 1, 2 Will. IV. c. 33. As to determination or suspension of the powers of the Act under orders of the Treasury.		
	4, 5 Will. IV.	91. § 4, &c.	15 Aug. 1834.	§ 4. of the Act 4, 5 Will. IV. c. 91. relating to the Repair of Roads, on the application of the Postmaster General.		
	6, 7 Will. IV.	108.	20 Aug. 1836.	Expired at the end of last Session, 20 Aug. 1836. *See* § 7 of that Act.		
45. LINEN and HEMPEN MANUFACTURES, (Ireland.)	2, 3 Will. IV.	77.	1 Aug. 1832.	For the better Regulation of the Linen and Hempen Manufactures of Ireland. The Act 5, 6 Will. IV. c. 27, is intituled, "An Act to continue and amend certain Regulations for the Linen and Hempen Manufactures in Ireland." It appears rather to supersede than to continue the Act 2, 3 Will. IV. c. 77. *See* §§ 15 & 38, as to the continuance of Committees appointed under 2, 3 Will. IV. c. 77, after the end of the Session, until removed by the Lord Lieutenant of Ireland. The term of duration applies only to the last Act. *See* § 38 of that Act.	10 Sept. and END of then NEXT SESSION.	1837
	See 5, 6 Will. IV.	27.	21 Aug. 1835.			
46. INSANE PERSONS.	2, 3 Will. IV. amended	107.	11 Aug. 1832.	For regulating (for Three Years, and from thence until the End of the then next Session of Parliament) the Care and Treatment of Insane Persons in England.	21 August and END of then NEXT SESSION.	1838
	3, 4 Will. IV. continued	64.	28 Aug 1833.			
	5, 6 Will. IV.	22.	21 Aug. 1835.			

(C.) ACTS OF THE UNITED PARLIAMENT—*continued.*

Matter.	*Date.*	*Ch.*	*When passed.*	*Title of the Act.*	*Duration.*	
47. PARTY PROCESSIONS (Ireland.)	2, 3 Will. IV.	118.	16 Aug. 1832.	To restrain, for Five Years, in certain cases, Party Processions in Ireland. *See* § 4.	16 August and END of then NEXT SESSION.	1837
48. POLICE OFFICES.	3, 4 Will. IV.	19.	18 June 1833.	For the more effectual Administration of Justice, in the office of a Justice of the Peace in the several Police Offices established in the Metropolis, and for the more effectual prevention of Depredations on the River Thames and its vicinity, for three years. *See* § 54. § 29 of this Act, as to Bear-baiting, is repealed by § 1 of 5, 6 Will. IV. c. 59 (a permanent Act; § 3 of which makes other provisions.)	END of this PRESENT SESSION.	1836
49. POOR Scotch and Irish Removal.	3, 4 Will. IV.	40.	14 Aug. 1833.	To repeal certain Acts relating to the Removal of poor Persons born in Scotland and Ireland, and chargeable to parishes in England, and to make other Provisions in lieu thereof, until 1st May 1836, and end of the then next Session of Parliament.	END of this PRESENT SESSION.	1836
50. LAW Amendment.	3, 4 Will. IV.	42.	14 Aug. 1833.	For the further Amendment of the Law and the better Advancement of Justice. § 3. Limitation of certain Actions to be brought after the end of the Session 3, 4 Will. IV.	Ten Years, and Three Years, *i. e.* 29 August	1837 / 1843
51. SLAVERY, Abolition.	3, 4 Will. IV. amended	73.	28 Aug. 1833.	For the Abolition of Slavery throughout the British Colonies; for promoting the industry of the manumitted Slaves, and for compensating the Persons hitherto entitled to the services of such Slaves.		
	5, 6 Will. IV.	45.	31 Aug. 1835.			
	6 Will. IV.	5.	18 Mar. 1836.			
	6, 7 Will. IV.	82.	17 Aug. 1836.	§ 5 of 3, 4 Will. IV. c. 73, directs that Apprenticeship of Prædial Labourers shall not continue beyond - - - - - - -	1 August	1840
				§ 6. Of Non-prædial, not beyond - - -	1 August	1838
				See § 65 as to time of operation or ceasing of the Act in the Colonies of the Cape of Good Hope and the Mauritius.		

(C.) ACTS OF THE UNITED PARLIAMENT—*continued.*

Matter.	*Date.*	*Ch.*	*When passed.*	*Title of the Act.*	*Duration.*	
52. EAST INDIA Company and Territories.	3, 4 Will. IV.	85.	28 Aug. 1833.	For effecting an Arrangement with the East India Company, and for the better Government of His Majesty's Indian Territories, till - - - -	30 April	1854
				§ 12. Dividend shall be subject to Redemption by Parliament (on 12 months' notice) upon and at any time after - - - -	30 April	1874
				§ 13. If the Company be deprived of the Government of India on or after 30th April 1854, they may demand Redemption of the Dividend.		
				See 5, 6 Will. IV. c. 6, indemnifying the Governor-General, &c, for certain Acts done between 22 April 1834, and 1 January 1835.		
				See also 5, 6 Will. IV. c. 52, as to the Government of Agra.		
53. POOR LAW Commissioners.	4, 5 Will. IV. amended. 6, 7 Will. IV.	76. 107.	14 Aug. 1834. 20 Aug. 1836.	For the Amendment and better Administration of the Laws relating to the Poor in England and Wales.	14 August And END of then NEXT SESSION.	1839
				§ 10. Power of the Commissioners, and of appointing them.		
				§ 17. Rules in force shall be laid before Parliament within One Week after the commencement of every Session.		
				The Act 6, 7 Will. IV. extends the period for the repayment of Loans, from 10 years to 20.		
54. SOUTHERN AUSTRALIA.	4, 5 Will. IV.	95.	15 Aug. 1834.	To empower His Majesty to erect Southern Australia into a British Province or Provinces; and to provide for the Colonization and Government thereof.	15 August	1844
				§ 25. If after 10 years from the passing of the Act the Population shall be less than 20,000 natural-born Subjects, Public Lands then unsold may be disposed of by the Crown.		
55. SOAP, Allowance of Duty on.	5, 6 Will. IV.	15.	21 July 1835.	To continue the Allowances of the Duty of Excise on Soap used in certain Manufactures until - - -	31 May And END of then NEXT SESSION.	1838

(C.) ACTS OF THE UNITED PARLIAMENT—*continued.*

Matter.	*Date.*	*Ch.*	*When passed.*	*Title of the Act.*	*Duration.*	
56. ECCLESIASTICAL DIGNITIES, (E. & W.)	5, 6 Will. IV. continued.	30.	21 Aug. 1835.	For protecting the Revenues of Vacant Ecclesiastical Dignities, Prebends, Canonries and Benefices without cure of Souls; and for preventing the lapse thereof during the pending Inquiries respecting the State of the Established Church in England and Wales. *See* § 2 of 6, 7 Will. IV. c. 67, (*post* No. 72) respecting a Provision in the Act 5, 6 Will. IV. c. 30.	13 August and END of any SESSION then existing.	1837
	6, 7 Will. IV.	67.	13 Aug. 1836.			
57. ROAD Presentments and Contracts, (I.)	5, 6 Will. IV.	31.	21 Aug. 1835.	To give effect and validity to certain Contracts and Presentments for Repairing and keeping in Repair certain Public Roads in Ireland, and the Sureties entered into for the Execution thereof.	As Contracts, &c. for One Year.	
58. EXCHEQUER, COURT OF, (S.)	5, 6 Will. IV. continued.	46.	31 Aug. 1835.	To amend, until the End of the next Session of Parliament, an Act of the 2d year of His present Majesty [2, 3 Will. IV. c. 54], for making provision for the Despatch of Business now done by the Court of Exchequer in Scotland.	1 July and END of then next SESSION.	1837
	6, 7 Will. IV.	73.	13 Aug. 1836.			
59. PEACE PRESERVATION, (I.)	5, 6 Will. IV.	48.	31 Aug. 1835.	For the better Prevention and more speedy Punishment of Offences endangering the public Peace in Ireland. For Five Years, § 17 - - - - -	31 August	1840
60. CHARITIES, (E. & W.)	5, 6 Will. IV.	71.	9 Sept. 1835.	For appointing Commissioners to continue the Inquiries concerning Charities in England and Wales, until -	1 March	1837
61. SUPPLIES, Application of	6 Will. IV.	1.	4 March 1836.	To apply certain Sums to the Service of the Year 1836–7, out of Monies paid into the Exchequer before - -	5 April	1837

(C.) ACTS OF THE UNITED PARLIAMENT—*continued.*

Matter.	*Date.*	*Ch.*	*When passed.*	*Title of the Act.*	*Duration.*	
62. INDEMNITY OFFICES, &c.	6 Will. IV.	7.	30 Mar. 1836.	To indemnify such Persons in the United Kingdom as have omitted to qualify themselves for Offices and Employments, and for extending the Time limited for those purposes respectively, until - - - - - - -	25 March	1837
				The other provisions of the Act as to Affidavits of Attornies' Clerks Expired on the 1st day of Hilary Term, 1837.		
63. MUTINY ACT (Army.)	6 Will. IV.	8.	22 April 1836.	For punishing Mutiny and Desertion, and for the better payment of the Army and their Quarters.		
				Continuance: In Great Britain - - -	25 April	1837
				- - - - Ireland, Jersey, &c. - -	1 May	
				- - - - Gibraltar, the Mediterranean, Spain and Portugal - -	1 August	
				- - - - Elsewhere in Europe, and in the West Indies and America -	1 Sept.	
				- - - - Cape of Good Hope, Isle of France, St. Helena, and West Coast of Africa - - -	1 January	1838
				- - - - Elsewhere - - -	1 February	1839
				See § 79 of the Act, and the proviso at the end thereof, as to commencement of the Act in Foreign Parts, by promulgation in General Orders.		
64. MUTINY ACT, (Marine Forces.)	6 Will. IV.	9.	22 April 1836.	For the regulation of His Majesty's Royal Marine Forces while on shore.		
				Continuance: In Great Britain - - -	25 April	1837
				- - - - Ireland, Jersey, &c. - -	1 May	
				- - - - Gibraltar, Spain and Portugal -	25 July	
				- - - - Elsewhere in Europe, and the West Indies, North America, and Cape of Good Hope -	25 Sept.	
				- - - - Elsewhere - - - -	25 Nov.	
65. SLAVERY Abolition, (Jamaica.)	6 Will. IV.	16.	7 June 1836.	To revive and continue in force an Act of the Legislature of Jamaica, to explain and amend an Act for the Abolition of Slavery in that Island, and in Aid of the same recited Act, continued until - - - - - -	1 August	1840

(C.) ACTS OF THE UNITED PARLIAMENT—*continued.*

Matter.	*Date.*	*Ch.*	*When passed.*	*Title of the Act.*	*Duration.*	
66. DURHAM County Palatine.	6 Will. IV.	19.	21 June 1836.	For separating the Palatine Jurisdiction of the County Palatine of Durham from the Bishoprick of Durham. § 10. The Bishop of Durham shall hold the Bishoprick subject to any Provisions to be made within 3 years, *i. e.* before - -	21 June	1839
67. TURNPIKE, &c. ACTS (Ireland.)	6, 7 Will. IV.	40.	28 July 1836.	To continue the several Acts for regulating the Turnpike Roads in Ireland until - - - - - - -	28 July and END of then NEXT SESSION.	1837
68. EXCISE DUTIES, Paper, &c.	6, 7 Will. IV.	52.	13 Aug. 1836.	To repeal the Duties and Drawbacks of Excise on Paper printed, painted or stained in the United Kingdom; and to reduce the Allowances and Drawbacks on Paper, Button-board, Mill-board, Paste-board and Scale-board, made in the United Kingdom, of the First Class; and to discontinue the Excise Survey on the manufacturers of certain Articles made from Paper; and on Dealers in and Retailers of Vinegar. § 17 as to Exemption from Duty, and Regulations of Excise of Williams's Artificial Skins, until - - - - - -	10 October	1838
69. ANNUAL DUTIES, Sugar.	6, 7 Will. IV.	26.	4 July, 1836.	For granting to His Majesty until the 5th day of July 1837, certain Duties on Sugar imported into the United Kingdom, for the Service of the year 1836 - - - - - - -

(C.) ACTS OF THE UNITED PARLIAMENT—*continued.*

Matter.	*Date.*	*Ch.*	*When passed.*	*Title of the Act.*	*Duration.*	
70. TURNPIKE ROADS, (G. B.)	6,7 Will. IV.	62.	13 Aug. 1836.	For continuing the several Acts for regulating the Turnpike Roads in Great Britain which will expire with the present or the next Session of Parliament, until - - - - - Or if Parliament shall be then sitting, until the end of the *then* Session of Parliament. (*See* § 1.)	1 June	1838
71. HIGHWAY RATES, (E.)	6,7 Will. IV.	63.	13 Aug. 1836.	To facilitate the Recovery of certain Arrears of Highway Rates, and Composition in lieu of Statute Duty, until	19 March	1837
72. ECCLESIASTICAL DIGNITIES and OFFICES, (E. & W.)	6,7 Will. IV.	67.	13 Aug. 1836.	For suspending, for One Year, Appointments to certain Dignities and Offices in Cathedral and Collegiate Churches and to Sinecure Rectories.	13 August and END of ANY SESSION then existing.	1837
73. BISHOPRICKS, Revenues and Patronage, (E. & W.)	6,7 Will. IV.	77.	13. Aug. 1836.	For carrying into effect the Reports of the Commissioners appointed to consider the State of the Established Church in England and Wales, with Reference to Ecclesiastical Duties and Revenues, so far as they relate to Episcopal Dioceses, Revenues and Patronage. § 20. The Act, nor any Order in Council under it, shall not affect the Jurisdiction of any of the Ecclesiastical Courts, for One Year, *i. e.* before - - - - -	13 August and END of ANY SESSION then existing.	1837
74. SLAVE TRADE.	6,7 Will. IV.	81.	17 Aug. 1836.	To authorize His Majesty, until Six Months after the commencement of the next Session of Parliament, to carry into immediate Execution, by Orders in Council, any Treaties, Conventions or Stipulations made with any Foreign Power or State for the suppression of the Slave Trade.	31 July	1837

(C.) ACTS OF THE UNITED PARLIAMENT—*continued.*

Matter.	*Date.*	*Ch.*	*When passed.*	*Title of the Act.*	*Duration.*	
75. EXCHEQUER OFFICES. (I.)	6, 7 Will. IV.	83.	17 Aug. 1836.	For the Regulation of the Offices of Vice-Treasurer and Teller of the Exchequer in Ireland. § 2. Reports to be laid before Parliament within Six Weeks after its assembling -	14 March	1837
76. MILITIA BALLOT SUSPENSION.	6, 7 Will. IV.	88.	17 Aug. 1836.	To suspend the making of Lists, and the Ballots and Enrolments for the Militia of the United Kingdom, until - -	END of this PRESENT SESSION.	1837
77. COMMISSIONERS of LAND REVENUES, &c.	6, 7 Will. IV.	91.	17 Aug. 1836.	To enable the Commissioners of His Majesty's Woods, Forests, Land Revenues, Works and Buildings, to make and maintain a Road from the Church in the Parish of Sunk Island, to the Town of Ottringham, in the East Riding of the County of York. § 9. Time for purchasing of Property limited to two years after passing the Act, except with consent of the owners. The Act is in force for 31 years, *i. e.* until -	17 August 17 August and END of then NEXT SESSION.	1838 1867
78. MILITIA, (G. B. & I.)	6, 7 Will. IV.	93.	19 Aug. 1836.	To defray the Charge of the Pay, Clothing, and Contingent and other Expenses of the Disembodied Militia in Great Britain and Ireland; and to grant Allowances in certain cases to Subaltern Officers, Adjutants, Paymasters, Quarter Masters, Surgeons, Assistant Surgeons, Surgeons' Mates, and Serjeant Majors of the Militia, from the 30th of June 1836, [*see* § 34 of the Act] until - - - -	1 July	1837
79. TITHE COMPOSITIONS, (I.)	6, 7 Will. IV.	95.	19 Aug. 1836.	To suspend Proceedings for recovering Payment of the Money advanced under the Acts for establishing Tithe Compositions in Ireland, until - -	6 April	1837

(C.) ACTS OF THE UNITED PARLIAMENT—*continued.*

Matter.	*Date.*	*Ch.*	*When passed.*	*Title of the Act.*	*Duration.*	
80. CORPORATIONS, (I.)	6,7 Will. IV.	100.	20 Aug. 1836.	To restrain the Alienation of Corporate Property in certain Towns in Ireland. Certain Contracts prohibited to be made, until	1 September	1837
81. PARLIAMENT VOTERS.	6,7 Will. IV.	101.	20 Aug. 1836.	To legalize certain Lists of Voters and of Claims and Objections for the present year. § 2 is in force until - - - - -	1 November	1837
82. STANNARY COURTS, (Cornwall.)	6,7 Will. IV.	106.	20 Aug. 1836.	To make Provision for the better and more expeditious Administration of Justice in the Stannaries of Cornwall; and for the enlarging the Jurisdiction and improving the Practice and Proceedings in the Courts of the said Stannaries. § 23. Appointment of Registrar.	During the continuance in Office of the present Lord Warden.	

II.

EXPIRED LAWS;

VIZ:

BETWEEN 4 FEBRUARY 1836 AND 31 JANUARY 1837.

Extending to	*Subject.*	*Original Acts.*	*Last continuing Acts.*	*Time of Expiration.*	
1. U. K.	DOMINICA, (Importation.)	5, 6 Will. IV. c. 10.	- - - - -	1 March	1836
2. E. & I.	INSOLVENT DEBTORS.	5, 6 Will. IV. c. 42. § 2.	- - - - -	4 March	1836
3. I.	TITHES, (Composition.)	5, 6 Will. IV. c. 79.	- - - - -	6 April	1836
4. I.	PUBLIC WORKS.	4, 5 Will. IV.. c. 91, § 4.	- - - - -	20 August	1836
5. E. & W.	MUNICIPAL CORPORATIONS.	5, 6 Will. IV. c. 76. § 74.	- - - - -	1 November	1836

III.

EXPIRING LAWS;

VIZ:

AT THE END OF THE PRESENT SESSION:

Or after 31st January 1837, and on or before 1st August 1838, &c.*

ACTS EXPIRING AT THE END OF THE PRESENT SESSION, 7 WILL. IV.

Extending to	*Subject.*	*Original Acts.*	*Last continuing Acts.*	N° *in Register.*
I.	ARMS, (Possession or Importation of.)	47 Geo. 3. c. 54. 1 Will. IV. c. 44.	6, 7 Will. IV. c. 39, § 1. 6, 7 Will. IV. c. 39, § 2.	11. 37.
E.	POLICE OFFICES.	3, 4 Will. IV. c. 19.	- - - -	48.
S. & I.	POOR REMOVAL.	3, 4 Will. IV. c. 40.	- - -	49.
U. K.	MILITIA, (Suspending Ballot.)	6, 7 Will. IV. c. 88.	- - - -	76.

* *N. B.*—"&c." after any Date in the following List, signifies—*to the End of the Session* which will commence next after the Date specified.

ACTS EXPIRING after 31st January 1837, and on or before 1st August 1838, &c.

Period of Duration.	*Extending to*	*Subject.*	*Original Acts.*	*Last continuing Acts.*	*N° in Register.*
1837:					
1 March	I.	Charities - -	5, 6 Will. IV. c. 71.	- - - - - - - -	60.
14 March -	I.	Exchequer Offices -	6, 7 Will. IV. c. 83.	- - - - - - - -	75.
19 March - -	E.	Highway Rates -	6 Will. IV. c. 63. -	- - - - - - - -	71.
25 March - -	U. K.	Indemnity Offices -	6 Will. IV. c. 7. -	- - - - - - - -	62.
5 April - -	U. K.	Supplies - -	6 Will. IV. c. 1. -	- - - - - - - -	61.
6 April - -	I.	Tithe Compositions -	6, 7 Will. IV. c. 95.	- - - - - - - -	79.
25 April - -	U. K.	Mutiny Acts - -	6 Will. IV. cc. 8, 9.	- - - - - - - -	63, 64
1 May, &c. -	S.	Creditors - -	54 Geo. III. c. 137	6, 7 Will. IV. c. 90.	13.
24 May - -	U. K.	Regency - -	1 Will. IV. st. 2, c. 2.	- - - - - - - -	39.
27 May - -	U. K.	Duke of Cumberland and Prince George.	6 Geo. IV. c. 71. -	- - - - - - - -	27.
1 June, &c. -	E.	Insolvents - -	7 Geo. IV. c. 57. -	6, 7 Will. IV. c. 44.	29.
30 June -	E.	Militia Allowances -	39, 40 Geo. III. c. 44.	6, 7 Will. IV. c. 93. §§ 22, 23. - -	7.
1 July -	G. B. & I.	Militia Pay, &c. -	6, 7 Will. IV. c. 93.	- - - - - - - -	78.
1 July, &c. -	S.	Court of Exchequer -	5, 6 Will. IV. c. 46.	6, 7 Will. IV. c. 73.	58.
5 July - -	E.	Annual Duties; Sugar, &c. - -	6, 7 Will. IV. c. 26. -	- - - - - - - -	69.
28 July, &c. -	I.	Arms (Possession of) - - -	47 Geo. III. st. 2, c. 54.	6, 7 Will. IV. c. 39. § 1. - - -	11.
28 July, &c. -	I.	Arms (Importation of) - - -	1 Will. IV. c. 44. -	6, 7 Will. IV. c. 39. § 2. - - -	37.
	I.	Turnpike Acts -	6, 7 Will. IV. c. 40.	- - - - - - - -	67.

Period of Duration.	*Extending to*	*Subject.*	*Original Acts.*	*Last continuing Acts.*	N° *in Register.*
1837:					
31 July - -	U. K.	Slave Trade - -	6, 7 Will. IV. c. 81.	- - - - - - - -	74.
13 August, &c.	E. & W.	Ecclesiastical Dignities - -	5, 6 Will. IV. c. 30.	6, 7 Will. IV. c. 67.	56.
		Church Dignities and Offices -	6, 7 Will. IV. c. 67.	- - - - - - - -	72.
		Bishops' Revenues -	6, 7 Will. IV. c. 77.	- - - - - - - -	73.
16 August, &c.	I.	Party Processions -	2, 3 Will. IV. c. 118.	- - - - - - - -	47.
29 August - -	U. K.	Law Amendment -	3, 4 Will. IV. c. 42. § 3. - - - - -	- - - - - - - -	50.
1 September -	I.	Corporations - -	6, 7 Will. IV. c. 100.	- - - - - - - -	80.
10 September, &c. - -	I.	Linen and Hemp Manufactures -	2, 3 Will. IV. c. 77.	5, 6 Will. IV. c. 27.	45.
31 December -	U. K.	New South Wales -	9 Geo. IV. c. 83. -	6, 7 Will. IV. c. 46.	31.
1838:					
1 January -	I.	Bank of Ireland -	21, 22 Geo. III. c. 16. (Irish Act)	- - - - - - - -	8.
			1, 2 Geo. IV. c. 72.	- - - - - - - -	23.
31 May, &c. -	G. B. & I.	Soap; Allowance of Duties - -	5, 6 Will. IV. c. 15.	- - - - - - - -	55.
1 June - -	G. B.	Turnpikes - -	6, 7 Will. IV. c. 62.	- - - - - - - -	70
20 July - -	G. B.	Churches - -	58 Geo. III. c. 45. -	2, 3 Will. IV. c. 61.	17.
25 July - -	U. K.	Welland Canal (Canada) - -	9 Geo. IV. c. 91. -	- - - - - - - -	32.
1 August -	U. K.	Slaves; Non-prædial - - -	3, 4 Will. IV. c. 73. § 1. - - -	- - - - - - - -	51.

IV.

LIST OF LAWS,

WHEREOF

THE DURATION DEPENDS ON PUBLIC CONTINGENCIES.

Extending to	*Matter.*	*Original Acts.*	*Last continuing Acts.*	*Duration.*	N° *in Register.*
1. U.K.	THE KING; (Payment in lieu of Hereditary Duties on Beer and Cyder.) (Civil List.)	1 Will. IV. c. 51. § 5.	- - - - - - - -	Life of The King.	38.
		1 Will. IV. stat. 2. c. 25.	- - - - - - - -		40.
2. U. K.	THE QUEEN.	1,2 Will. IV. c. 11. -	- - - - - - - -	Life of The Queen.	42.
3. U. K.	REGENCY.	1 Will. IV. stat. 2. c. 2.	- - - - - - - -	Life of the Princess Alexandrina Victoria, until 24 May 1837.	39.
4. G. B.	ROYAL FAMILY.	18 Geo. III. c. 31. -	- - - - - - - -	Lives of Grantees;	4.
		46 Geo. III. c. 145.			10.
		47 Geo. III. st. 1. c. 39.			14.
		52 Geo. III. c. 57. -			15.
		56 Geo. III. c. 24. -			16.
		58 Geo. III. cc. 24. 25. 53.			18.
		1 Geo. IV. c. 108. § 1.	- - - - - - - -	Lives of Grantees -	21.
		6 Geo. IV. c. 71. -	- - - - - - - -	Life of Prince George of Cumberland, until 27 May 1837	27.
		1,2 Will. IV. c. 20. -	- - - - - - - -	Lives of the Duchess of Kent and her daughter the Princess Victoria.	43.
5. E.	CORNWALL Duchy.	1,2 Will. IV. c. 5. -	- - - - - - - -	While the Duchy is vested in The King.	41.
6. E.	BANK of England.	5, 6 W. & M. c. 20. § 20.	10 Geo. IV. c. 31. § 24.	Until Redemption of Bank Annuities.	1.
		8, 9 Will. III. c. 20. § 26-28 - - -			
		9, 10 Will. III. c. 44. § 75.			
		6 Anne, c. 22. § 9. -	- - - - - - - -	Expiration of One Year's Notice within Six Months after 1 August 1844.	3.
		7 Anne, c. 7. § 5, 6, 7, 61. - - - - - -			
		12 Anne, c. 11. § 23-25.			
		15 Geo. II. c. 13. § 3, 5.			
		4 Geo. III. c. 25. § 12-14			
		21 Geo. III. c. 60. § 11, 12			
		39, 40 Geo. III. c. 28. § 14, 15 - - -			
		7 Geo. IV. c. 46. -			

IV. ACTS whereof the Duration depends on PUBLIC CONTINGENCIES—*continued.*

Extending to	*Matter.*	*Original Acts.*	*Last continuing Acts.*	*Duration.*	N° *in Register.*
7. I.	BANK of Ireland.	21, 22 Geo. III. (I.) c. 16. 48 Geo. III. c. 103. - 3 Geo. IV. c. 26. -	- - - - - - - -	Expiration of 12 Months' Notice after 1 January 1837.	8.
		48 Geo. III. c. 103. - 1, 2 Geo. IV. c. 72. - 3 Geo. IV. c. 26. -	- - - - - - - -	1 January 1838, Time of Repayment.	8. 23.
8. E.	EAST INDIA COMPANY.	9, 10 W. III. c. 44, &c. 37 Geo. III. c. 117. -	53 Geo. III. c. 155. § 3.	Expiration of three Years' Notice to be given after 10 April 1831.	2. 6.
9. U. K.	PORTUGUESE DOMINIONS; Trade with.	51 Geo. III. c. 47. - 59 Geo. III. c. 54. § 8.	- - - - - - -	Continuance of Treaty with Portugal.	12. 20.
10. U. K.	AMERICAN Trade, &c.	59 Geo. III. c. 54.	- - - - - -	Continuance of Treaties.	20.
		7 Geo. IV. c. 5.	- - - - - -	Seven Years after date of Treaties.	28.
11. U. K.	BOUNTIES and ALLOWANCES of Customs.	3, 4 Will. IV. c. 58. (A permanent Act.)	- - - - - - - -	Continuance of Duties of Customs.	
12. I.	PUBLIC WORKS.	1, 2 Will. IV. c. 33. (*See* § 97. 103.)	- - - - - - -	Orders of the Treasury.	44.
13. U. K.	NEWFOUND-LAND.	5 Geo. IV. cc. 67, 68.	10 Geo. IV. c. 17. 2, 3 Will. IV. c. 78.	Until Repealed by Colonial Legislature.	25. 26.
14. E.	FRIENDLY SOCIETIES.	10 Geo. IV. c. 56. 2 Will. IV. c. 37. 4, 5 Will. IV. c. 40. 6, 7 Will. IV. c. 32, § 4.	- - - - - - -	Continuance of former Acts, until conformity with 10 Geo. IV.	34.
15. E.	STANNARY COURTS.	6, 7 Will. IV. c. 106. § 23.	- - - - - - - -	Continuance in Office of the present Lord Warden.	81.

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The * signifies that the Article relates *exclusively* to Ireland.

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REPORT

FROM THE

COMMITTEE

UPON

EXPIRED AND EXPIRING LAWS.

Ordered, by The House of Commons, *to be Printed,*
18 *March* 1837.

130.

35

REPORT

FROM THE

SELECT COMMITTEE

ON

FOURDRINIER'S PATENT;

WITH THE

MINUTES OF EVIDENCE,

AND APPENDIX.

Ordered, by The House of Commons, *to be Printed,*
1 *June* 1837.

Lunæ, 1° *die Maii*, 1837.

Ordered, That the Petition for Bill (presented 17th February) be referred to a Select Committee, to examine the matter thereof, and report their Observations to The House ;— and a Committee is appointed of—

Sir Oswald Mosley.	Mr. Mark Philips.
Sir John Wrottesley.	Mr. Bannerman.
Lord Francis Egerton.	Mr. Alderman Copeland.
Lord Viscount Sandon.	Mr. Mackinnon.
Mr. Davenport.	Mr. Lennard.
Mr. Wilson Patten.	Mr. Maclean.
Mr. Pryme.	Mr. Edmund Buller.
Mr. Baines.	

Ordered, That the Committee have power to send for Persons, Papers and Records.

Ordered, That Five be the Quorum of the Committee.

Jovis, 1° *die Junii*, 1837.

Ordered, That the Committee have power to report the Minutes of the Evidence taken before them to The House.

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REPORT.

THE SELECT COMMITTEE to whom the PETITION of *Henry* and *Sealy Fourdrinier* was referred, and who have Power to report their OBSERVATIONS, together with the MINUTES of the EVIDENCE taken before them, to The HOUSE, after hearing the Evidence on the matters adverted to in the PETITION;——HAVE agreed to the following REPORT:

THAT by the Evidence brought before them, the property of the Messrs. Fourdrinier in the Patent for making Paper by Machinery is fully proved. That the profit of their Business as Wholesale Stationers amounted, for the year ending on the 30th June 1800, to 14,044*l.*; on the 30th June 1801, to 14,215*l.*; on the 30th June 1802, to 4,005*l.*; and on the 30th June 1803, to 8,300*l.*; which diminution in profit appears to have taken place in consequence of the withdrawal of capital from their business to render perfect this Invention. This is further proved by the additional Evidence, that an actual loss was incurred in their trade as Stationers, amounting, in the year ending on the 31st December 1809, to 5,635*l.*; and ultimately by their becoming bankrupts on the 8th November 1810, which occurrence seems to have arisen from no other cause than the expense incurred by them in bringing to maturity their Invention.

Vide Evidence, No. 18, 21, 22.

No. 24.

No. 32, 37, 217, 219.

Your Committee observe, that in the year 1807 an application was made to the Legislature by the Patentees for an Act to prolong the term of their Letters Patent; and it appears, that in the Bill as it passed the Commons' House of Parliament such prolonged term extended to Fourteen Years, but was limited in the Lords to Seven Years, with an understanding that the term would be extended to Seven Years more in case the Patentees could prove, upon a future application, that they had not been sufficiently remunerated. No such application was, however, made, in consequence of a Standing Order of the House of Lords, placed on their Journals subsequently to the passing of the said Act. It further appears, by the Minutes of the Proceedings of the Committee of the House of Lords, to whom this Bill was referred, that the expenditure of the Patentees in making experiments in the construction of this Machine amounted to 11,915*l.* 16*s.* 2*d.*, besides other sums of considerable magnitude, which were proved before the Committee of the House of Lords to have been expended by them, amounting, with the aforesaid sum of 11,915*l.* 16*s.* 2*d.*, to the sum of 60,228*l.* 18*s.* 6*d.* up to the year 1807; but since that period certain sums have been received by them and their assignees, leaving the total

No. 76, 77, 78, 79, 80, 81 and 83.

Vide Minutes of Proceedings of the Lords, printed 10 Aug. 1807.

loss on the balance of the books of the Patentees, on account of the Machine, as proved before Your Committee, up to the expiration of the Patent, 51,865*l.* 12*s.* 10*d.*, without any interest being calculated thereon.

Vide Evidence, No. 59 to 68.

The Patent of Messrs. Fourdrinier would not have expired until the year 1822; but, in consequence of their bankruptcy, no profits or advantage were received by the Patentees after 1810, with the exception of certain sums paid on account of the Patent to the Assignees under their bankruptcy. In the course of the legal proceedings, instituted by the Assignees for the recovery of Patent dues, a verdict was obtained against Mr. Elsee, in 1825, upon which a new trial was granted in 1827 by the Lord Chief Justice of the Court of King's Bench on technical grounds only, by which the right of the Patentees was not invalidated; but, from the entire exhaustion of their funds, neither the Patentees nor their Assignees were able to carry on the litigation.

Vide No. 37 to 52.

No. 85 to 8.
No. 501 to 508.

It is only by this great sacrifice of property on the part of the Patentees that the Public are now in possession of this extraordinary Invention, by which the community obtains Paper of a better quality at a lower price, whilst the manufacturer is enabled to supply whatever demand is made for Paper of any size, quality or description at a very short notice. This Invention has enabled the earthenware manufacturers to increase the beauty and accuracy of their patterns by the aid of a superior kind of Tissue Paper; has enabled the lithographic and other engravers, paper-stainers and publishers greatly to improve their respective arts; and has led the way to many new inventions of the greatest importance, which could never have been contemplated or rendered useful had not the art of paper-making by this machine been brought to perfection by the Patentees. Independently of these benefits thus conferred on the Public, it appears that a very considerable increase in the Revenue has taken place in consequence of this Invention. The Evidence adduced before Your Committee, which proves the almost universal application of this Machine in the making of Paper at the present time, induces them to hesitate in recommending any extension of the Patent, even if it were practicable; but, in consequence of the losses incurred by the Patentees, as stated in their Petition, and proved in Evidence before Your Committee, and of their being reduced to comparative poverty in the evening of a long life spent in the execution of a great national object, without having derived therefrom the slightest personal benefit to themselves, Your Committee cannot come to any other conclusion than this, that, on account of the losses they have sustained, the great benefits they have conferred on the Public, the annual saving they have effected in the Stationery Department of the Government, and the increase they have occasioned to the Revenue, the Messrs. Fourdrinier are justly entitled to public compensation.

June 1837.

PROCEEDINGS OF THE COMMITTEE.

Lunæ, 22° *die Maii*, 1837.

MEMBERS PRESENT.

Mr. Alderman Copeland.	Mr. Mark Philips.
Mr. Edward Buller.	Lord Sandon.
Mr. Wilson Patten.	Sir John Wrottesley.
Sir Oswald Mosley.	Mr. Bannerman.

Mr. MACKINNON in the Chair.

The Chairman read a proposed Report to the Committee; ordered to be printed.

Veneris, 26° *die Maii*, 1837.

MEMBERS PRESENT.

Sir John Wrottesley.	Mr. Baines.
Mr. Pryme.	Mr. Wilson Patten.
Lord Sandon.	Mr. Edward Buller.
Sir Oswald Mosley.	

Mr. MACKINNON in the Chair.

Adjourned till Wednesday at One o'clock.

Martis, 31° *die Maii*, 1837.

MEMBERS PRESENT.

Mr. Pryme.	Mr. Wilson Patten.
Sir Oswald Mosley.	Mr. Bannerman.
Mr. Alderman Copeland.	Sir John Wrottesley.
Mr. Baines.	Lord Sandon.

Mr. MACKINNON in the Chair.

The proposed Report read; several Amendments made, and agreed to.

Adjourned.

LIST OF WITNESSES.

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Mr. *Henry Fourdrinier* - - - - - - - - p. 1
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MINUTES OF EVIDENCE.

Martis, 9° die Maii, 1837.

MEMBERS PRESENT.

Sir Oswald Mosley.
Mr. Mackinnon.
Mr. Alderman Copeland.
Mr. E. Buller.
Mr. Mark Philips.
Mr. Wilson Patten.
Mr. Pryme.

W. A. MACKINNON, ESQUIRE, IN THE CHAIR.

The Petition was read.

Agents, Messrs. *Jones* and *Walmisley*.

Mr. *Charles John Bloxam*, called in; and Examined.

Mr. *C. J. Bloxam.*
9 May 1837.

1. *Chairman.*] DO you produce certain documents to prove the title of the Messrs. Fourdrinier to their patent?—Yes. The first document I produce is letters patent dated 20th April, 41 Geo. 3, in the year 1801, granted to John Gamble, of Leicester-square, in the county of Middlesex, for a machine for making paper in single sheets without seam or joinings from one to twelve feet and upwards in width, and from one to forty-five feet and upwards in length; I next produce other letters patent, dated 7th June, in the 43d year of the reign of George the third, granted to the before-named John Gamble.

2. What was the distinction between that patent and the former one?—This is for certain improvements on the other, and a further term of 14 years is granted for those improvements; I next produce a deed, dated 7th January 1804, from John Gamble to Henry and Sealy Fourdrinier.

3. That was just seven months after the second patent?—Yes; and by that deed John Gamble, for certain considerations which are mentioned, assigned to Henry and Sealy Fourdrinier the two several letters patent before referred to; then the next document in point of order is an Act of Parliament which was passed on the 14th of August 1807, 47 Geo. 3, c. 131, and which is intituled, "An Act for prolonging the Term of certain Letters Patent assigned to Henry Fourdrinier and Sealy Fourdrinier for the Invention of making Paper by means of Machinery;" that Act grants them a term of 15 years from the date of the Act, that being an extension of seven years or thereabouts of the term granted by the letters patent, dated 20th April 1801; and it vests the term in Henry Fourdrinier, Sealy Fourdrinier and John Gamble; then the next document that I produce is a deed dated 19th February 1808, whereby John Gamble assigned to Henry Fourdrinier and Sealy Fourdrinier all right to which he was entitled under the Act of Parliament.

The Committee resolved, "That the property of the Messrs. Fourdrinier in the Patent is sufficiently proved."

Mr. *Henry Fourdrinier*, called in; and Examined.

Mr. *H. Fourdrinier.*

4. *Chairman.*] WILL you state to the Committee what progress had been made with the machine when it was first introduced into this country at the beginning of this century?—I now produce a sheet of paper which was made in France before the patent was taken out in England.

5. What is the length of that sheet of paper?—Twelve yards or thereabouts.

6. Is it of a quality inferior to that which is now made by the machine?—It is very much inferior.

7. Will you explain to the Committee why it is that that paper is so much inferior to the paper now in use?—It is now done by an improved shake, which enables the stuff to be better knit together.

Mr. *H. Fourdrinier.*

9 May 1837.

8. What do you mean by a shake?—When paper is made by hand, a man dips a mould into the vat, and shakes it till the water drains out; that was very imperfectly done by the original machine.

9. Are there any other means by which you can show that that which was first manufactured is inferior in its quality to that which is now made?—Only by comparison.

10. Is it an acknowledged fact that the sheet of paper which you have produced here to-day is of very inferior quality?—It is.

11. Was it made in that state by Mons. Didot before you purchased the invention?—It was; in France.

12. Is that sheet of paper which you have produced a sample of the paper made by Mons. Didot?—It is.

13. Before the patent was granted?—Yes.

14. Sir *Oswald Mosley.*] That paper appears to be very cloudy and irregular in its texture?—It is.

15. The edges also are irregular?—They are; and those were very great difficulties to overcome.

16. By the machine as it was originally invented, the paper was generally manufactured of that quality only?—All that we saw was like this; this, I may say, is the best; there was some which was a great deal worse, but unfortunately it is mislaid.

17. Will you state to the Committee what your circumstances were previous to your taking out this patent?—Our situation then was perfectly independent; we were men of considerable property; we had a most valuable and flourishing concern as wholesale stationers and papermakers, and our books will show the profit we derived from our business.

Mr. *Charles John Bloxam*, further Examined.

Mr. *C. J. Bloxam.*

18. *Chairman.*] DO you produce the balance sheets of the concern of Messrs. Fourdrinier about the years 1800 and 1801?—I am the son of Mr. Bloxam, who was connected with the Messrs. Fourdrinier, and I found among my father's papers the balance sheets of the concern at that time; I produce a balance sheet taken on the 30th June 1800, whereby it appears that the profit for that year amounted to 14,044*l.* 11*s.* 4*d.*

19. The profit?—Yes, the profit as wholesale stationers.

20. Do you mean that the net profits amounted to that sum?—Yes.

21. Sir *Oswald Mosley.*] Was that profit made by the Messrs. Fourdrinier?—At that time the business was carried on by Mr. William Bloxam, Messrs. Henry, Charles and Sealy Fourdrinier, under the firm of Bloxam & Fourdriniers, as wholesale stationers.

22. *Chairman.*] Can you state you are satisfied that this balance sheet is an original document?—I am satisfied of it, for here is the handwriting of my father to it, and of the Messrs. Fourdrinier; that was the balance sheet of the business previous to the year of the introduction of the machine. I produce the balance sheet of the next year, the 30th of June 1801, whereby it appears that the profit for the then current year was 14,215*l.* 0*s.* 2*d.*; this is an original document, signed and witnessed as the other. The next account is an account ending the 30th of June 1802, whereby the profit of the then current year is stated to be 4,005*l.* 0*s.* 10*d.* Then I have one more which I produce, which is for the year ending the 30th of June 1803; the profit was then 8,300*l.* 2*s.* 5*d.* for the year; and at that period my father, Mr. William Bloxam, retired from the concern, principally owing to the circumstance that he objected to the withdrawal of so much capital for the perfecting of this invention; he did not like a speculation of this kind, and therefore he withdrew from the concern, leaving a sum of 16,000*l.* capital, I believe, to receive interest on. Then there is one other account, which is an account which was exhibited under the bankruptcy of Henry and Sealy Fourdrinier for the year ending 31st of December 1809, whereby it appears there was a loss on the trade at that time of 5,635*l.* 15*s.* 9*d.*

23. *Chairman.*] For the year?—For the year.

24. How do you account for that loss?—I account for the loss by the circumstance of the withdrawal of capital from the stationery concern to carry into effect and to perfect the machine.

25. You

25. You mean to say that the capital being abstracted from the concern for the invention was the cause of the deficiency of profit?—Yes.

26. Mr. Alderman *Copeland.*] Have you any account to show of the amount of money taken from the business and appropriated to the patent?—The accounts show it; and by referring to the Journals of the House of Lords in 1807, it appears that the then clerk of Messrs. Fourdrinier was examined, and proved most satisfactorily that a sum of 60,000*l.* had been withdrawn from the stationery business to further the object of the patent. I now produce the minutes of the proceedings of the Committee of the House of Lords, to whom was referred the Bill, intituled, "An Act for prolonging the Term of certain Letters Patent assigned to Henry Fourdrinier and Sealy Fourdrinier for the Invention of making Paper by means of Machines."

27. *Chairman.*] Can you satisfy the Committee that the paper manufacturers always have the advantage of every improvement without paying any additional sum, and that the rates specified by that Act of Parliament were moderate?—After the letters patent for the improvements in 1803, Messrs. Fourdrinier, in 1806, published a statement with regard to their paper machine, whereby they stated the improvement that had been made subsequent to the second letters patent, the expenses attending the making of paper by hand and by machinery, and inviting the public (the paper trade principally) to adopt this mode of making paper by machinery, and stating likewise at what price they would furnish the machine, which price was considerably less than the machines then cost the patentees. I will, with the leave of the Committee, put in the statement to which I have referred.

[*The witness delivered in a printed paper*; *vide* Appendix, p. 42.]

28. It is scarcely necessary to ask whether the patentees gave every publicity to the invention?—I was going to state, that after they obtained their patents, there were further improvements. The improvements were going on continually to render the machine more simple and useful; and in 1813 they published another statement, setting forth their then subsequent improvements, and that at that time they were able to make machines at a less expense, which they offered to the public to do. I will put in that statement also.

[*The witness delivered in another printed paper*; *vide* Appendix, p. 46.]

29. The Committee wish to ascertain whether, in consequence of the taking away of so large an amount of capital by the patentees, they were obliged to raise money by annuity, which occasioned them a loss?—They were, to my certain knowledge.

30. Can you state to the Committee to what extent?—To the extent of several thousand pounds; I have not the statement here with me.

31. Arising from that circumstance?—Arising entirely from that circumstance.

32. Is it your decided opinion that the attention that the Messrs. Fourdrinier paid to this patent, the expense incurred by them in bringing it to maturity, and the abstracting of so much capital from their trade, led ultimately to their bankruptcy?—I am perfectly convinced of it.

33. You have no doubt of it?—Not the slightest.

34. Sir *Oswald Mosley.*] And, in consequence of their bankruptcy, no patent dues were received from 1810 to 1816; can you speak to that?—There were no patent dues received from 1810 to 1816; that was owing to the litigation and subsequent bankruptcy. The fact was, the abstraction of capital led to the bankruptcy, and we know that when a bankruptcy ensues, the interests of parties become divided; there is not that attention paid to the realizing of profit which private individuals would pay, and, in fact, from 1810 to 1816 there were not any patent dues received; the patent was in abeyance.

35. *Chairman.*] Do you think the papermakers employed the engineers of the patentees to construct the machines, and afterwards refused to pay patent dues for the working of them?—To my certain knowledge they did.

36. Taking advantage of their misfortunes?—Yes.

37. At what period did the bankruptcy occur?—On the 8th of November 1810.

38. The paper-makers employed the engineers of the patentees to construct machines, and finding that the patentees were bankrupts, they refused to pay the patent dues?—Yes.

 39. Were

Mr. C. J. Bloxam.

9 May 1837.

39. Were the patentees compelled to institute suits in Chancery or actions at law in consequence?—They were; I was the solicitor employed by the assignees to institute those suits.

40. How many suits were instituted?—There were upwards of twelve suits in Chancery.

41. Were there any actions at law?—Three or four actions at law.

42. Were you obliged to call witnesses from a great distance?—From Dublin and from Edinburgh.

43. Sir *Oswald Mosley.*] What were they called to prove?—To prove the enrolment of the specifications in Scotland and Ireland under the Act of Parliament. I only mention the fact, to show the way in which they wished to injure the patentees: we produced the office copies of the enrolments of the specification, but they said, "No, we will not admit them; we must have witnesses from Edinburgh and Ireland."

44. Do you think that was so much from a wish to injure the patentees as to evade the payment of the patent dues?—It was to prevent the patentees recovering the patent dues.

45. What do you suppose this litigation cost the patentees altogether?—Upwards of 5,000*l.*; there are now at this present moment upwards of 2,900*l.* due for costs to the solicitors under the commission of bankruptcy.

46. Mr. *Patten.*] How did those proceedings terminate?—There was an action tried at law, when the patentees got a verdict; afterwards a motion for a new trial was made, and on that, Lord Tenterden was of opinion that there was a technical objection to the validity of the patent, and in consequence of that, we dropped all further proceedings.

47. Sir *Oswald Mosley.*] Has not that decision of Lord Tenterden been reported?—It has; it was in 1827.

48. Mr. *Patten.*] And that was the end of all those proceedings?—Yes.

49. Sir *Oswald Mosley.*] Were the patentees successful in any of their actions at law?—They were; they were successful in one action against a person named Elliot; that was tried in 1819.

50. Why then did the patentees abandon the further prosecution of their claims?—They afterwards tried another action against a paper-maker of the name of Elsee; they gained a verdict in that action.

51. What year was that in?—In 1825 the action was first tried. A motion for a new trial was made in the Court of King's Bench, and a special case was first of all directed to be drawn. The counsel differing as to the drawing of the special case, it was brought on again before Lord Tenterden in 1827, when his lordship stated a technical objection which occurred to him against the patent, and directed a new trial.

52. In consequence of that, and from the exhaustion of their funds, did the patentees cease to prosecute their claims?—They did.

53. Can you state what their loss was with respect to another paper-maker of the name of Moody?—I can. A Mr. Moody, a paper-maker, had obtained a machine from the engineer of the patentees, and worked it for several years. On his being applied to to pay the patent dues, he objected, and the patentees were compelled to file a bill in Chancery against him, which he defended. Moody afterwards took the benefit of the Insolvent Debtors' Act, and in the notice that he served on the patentees on taking the benefit of the Act, he admitted their claim to the extent of 3,000*l.*, of which the assignees never received one farthing.

54 Mr. Alderman *Copeland.*] Have you the notice and a copy of the schedule filed in the Insolvent Debtors' Court?—I now produce a notice from Alexander Moody, that he intended to take the benefit of the Insolvent Act. I have not the schedule; but he admitted in the schedule that he was indebted to the patentees in the sum of 3,000*l.* for the patent dues for using the machine.

55. Is that an extract from the schedule at the back of the notice?—I believe it is.

56. It is not in your hand-writing?—No, it is not; it is in the hand-writing of my clerk, since deceased. Messrs. Phillips, of Littleton Mills, in Worcestershire, also became bankrupts, in debt to the patentees.

57. *Chairman.*] To what amount?—To the extent of between 2,000*l.* and 3,000*l.*

58. Which

58. Which was never paid?—It was never paid, and there has never been a farthing received. The patentees were compelled to proceed against them in Chancery, but they never received a sixpence. Mr. C. J. Bloxam. 9 May 1837.

Mr. *Alexander Watson*, called in; and Examined.

59. Sir *Oswald Mosley*.] ARE you the book-keeper of Messrs. Hunt & Fourdrinier?—I am. Mr. Alex. Watson.

60. Have you examined the accounts?—I have.

61. On a correct examination of them, what have the patentees lost?—It would appear from the statements in the books that the amount to the debit side is 51,865 *l.* 12 *s.* 10 *d.*

62. Is that the balance?—That is the supposed balance lost; 51,000 *l.*, without any interest whatever, from 1823.

63. And that is over and above the loss they sustained by not carrying on their wholesale business as stationers?—Undoubtedly.

64. In the accounts to which you have referred, have you given credit for every thing received by Messrs. Fourdrinier?—Yes.

65. And still there is a balance of the loss you have just stated?—Yes, not calculating any interest from that time, that is, from 1823.

66. Did your present employers succeed to the firm of Fourdrinier & Company, the patentees?—Yes.

67. And is it in consequence of that, that you have had access to their private accounts?—Yes.

68. Did you refer to the original books?—I did, which books are here.

Mr. *Julius Ludolphus Schroder*, called in; and Examined.

69. *Chairman*.] THE Committee understand that you are conversant with the system of patents in general, and have turned your attention a good deal to that system in this country. You have heard the evidence already adduced; is it your wish to bring forward any statement to the Committee to confirm or oppose that evidence, or as to the advantages derived by the public from the patent invention of Messrs. Fourdrinier?—I am here quite accidentally; but if the Committee will allow me, I will just observe, that I am well acquainted with the qualities of Messrs. Fourdrinier's patent paper for the purposes of the arts, for the purposes of drawings and engravings. At the time that I had leisure, some years ago, I addicted myself very much to architectural drawings, and sent some to the Exhibition, as an amateur, not professionally. I sent them to the Exhibition at Somerset House, and one or two were on a very large scale; and I was enabled to do them merely from this patent paper having come into general knowledge. Mr. J. L. Schroder.

70. The substance of your observation is, that if it had not been for this patent paper which has been produced by Messrs. Fourdrinier, those drawings could not have been prepared?—Not to that size in any degree.

71. Sir *Oswald Mosley*.] Was the quality of the paper also improved for your purpose as well as the size?—The substance and texture of the paper, and the face of it, were also improved; and I understand that artists generally very much prefer this kind of paper for purposes of large public exhibitions and public works connected with railways, and other works that require large paper for the drawings.

72. *Chairman*.] You have stated particular instances in which it has been useful. Now, from the general impression on your mind, is it your decided conviction that this invention of Messrs. Fourdrinier has benefited the public?—I have no doubt it has.

73. To a considerable extent?—The extent I can hardly venture to state; but, considering the quality of the paper, I conceive it must have been to a considerable extent.

74. Sir *Oswald Mosley*.] It is chiefly as an amateur artist that you have been acquainted with its superiority?—Yes. I may be allowed to observe, that at the time I addicted myself to these pursuits as a matter of pleasure and amusement, there was a decided preference on the part of professional gentlemen to this paper. What I have heard to-day accidentally in this room more than ever convinces

Mr. J. L. Schroder.

convinces me of the necessity of an entire reform of our patent laws. The ruin which the Messrs. Fourdrinier have been subjected to would not have occurred, if there had been a system of patent laws which would have protected the rights of the public and the rights of individuals at the same time.

Jovis, 11° die Maii, 1837.

MEMBERS PRESENT.

Sir Oswald Mosley.	Mr. Wilson Patten.
Mr. Alderman Copeland.	Sir John Wrottesley.

W. A. MACKINNON, ESQUIRE, IN THE CHAIR.

William Harrison, Esq., K. C., called in; and Examined.

Wm. Harrison, Esq. K. C.

1 May 1837.

75. *Chairman.*] YOU were counsel for Mr. Fourdrinier in 1801, when an application to Parliament was made for an extension of the patent?—I was.

76. Will you state any particular circumstances that took place at that period?—It was a subject that then excited a great deal of attention, and a noble lord in the House of Lords, Lord Lauderdale, took a great deal of pains upon the subject of patents, and he at first attempted to raise something of an objection to Fourdrinier's patent, upon the ground that what he called the invention, that is, the first thought, was not actually Mr. Fourdrinier's; that something like the same general principle had been invented in France. But it was proved distinctly that the invention was brought to perfection entirely by Mr. Fourdrinier; in fact, that they could not say that the Frenchman had done any thing more than throw out an idea that paper might be manufactured in a different way, but it was distinctly proved that the whole merit of it was Mr. Fourdrinier's, and that he had done it at an enormous expense, owing to the complication of the machinery; for honourable members who have seen the machinery are aware of what the difficulties are which Fourdrinier must have had to encounter in bringing it to perfection. It was therefore clearly established that he had brought it to perfection at an enormous expense, and the idea thrown out by Lord Lauderdale was given up by Lord Lauderdale himself, because he said that it was clear that Mr. Fourdrinier having spent so much money was entitled to so much merit that it was right to give him that which he asked, and the question then became, to what extent they should give the number of years. I recollect that I pressed, as counsel for Mr. Fourdrinier, for 14 years (that is double the usual number), upon the ground that the length of time which had been occupied subsequently to the invention before the patent being taken rendered it impossible, upon an invention of this description, which must take some time to get into general use, for the inventor to receive a sufficient remuneration within a shorter time. However, the result was, that the Committee said, "We will give seven years, and Mr. Fourdrinier may apply again if it should turn out that the seven years that we propose to give to Mr. Fourdrinier should not give sufficient time to afford any chance of his receiving any remuneration for the expense that he has incurred in introducing this invention." And so I left it, as his counsel. But certainly my understanding was at the time that it was put upon that footing, that is, that he should take seven years at first, and if he afterwards showed that that seven years was not enough, that then he would fairly be entitled to ask for an additional term.

77. You are distinctly of opinion, therefore, that, under the peculiar circumstances of the case, he was clearly entitled to his patent in every view whatever; that although a floating idea had originated elsewhere, he was as much entitled to his patent as Boulton & Watt were entitled to their steam-engine patent, although the idea of steam power had been suggested previously by Lord Worcester and others?—It was put upon the same footing; and I mention that with the more confidence, because Lord Lauderdale admitted that, and he was the only person who took the objection; but Lord Lauderdale admitted distinctly that the case was of the description just referred to, and therefore that Mr. Fourdrinier was entitled to claim it as his invention in the way stated, although the general idea may have been thrown out before, as we know it was with steam.

78. There

78. There is a little discrepancy with regard to the time for which the patent was extended by the Commons and the Lords; did the bill pass in the Commons for 14 years?—So far as my recollection goes, it did, and it was limited in the Lords to seven. *Wm. Harrison*, Esq. K.C. 11 May 1837.

79. And there was an understanding in the Lords that it would be extended to seven years more?—Certainly.

80. Then that shows that the Lords coincided in their opinion with the Commons, and that it was their intention to extend it, if it was required?—Certainly.

81. Will you mention what was the reason which prevented the House of Lords from extending it?—It was in consequence of a regulation in a standing order, introduced, I think, by Lord Lauderdale, that none but the original inventor should be allowed to have an extension; but I always considered that that ought not to have prejudiced Mr. Fourdrinier, because I always considered him as the inventor substantially. The standing order, I believe, more particularly pointed to its not being permitted to persons who have taken an assignment of a patent, to have an extension; and so is the understanding now, because, in a late case of a patent taken out, that very question occurred, whether parties to whom a patent had been assigned could apply to Parliament for any extension of that patent, and I gave my opinion that the persons that had a beneficial interest in it at the time, not being the inventors of it, could not make the application—that was the case of Kyan's patent. Kyan had, in fact, sold his patent, and it was in the hands of other people, equitably, not legally, and in such a way that the beneficial interest was not in them, but the application was made by him as trustee for the others, and he being the inventor, and having made the application himself, succeeded in getting it, but he made it substantially for those who had, in fact, bought it of him.

82. Did the refusal of the House of Lords to extend it arise from a technical objection, that on the 7th of January 1804 an assignment of the patent was made by Mr. Gamble to Messrs. Fourdrinier?—Yes.

83. Lord Lauderdale proposed this short period, and a further extension if that should not prove to have remunerated him?—I think it was Lord Lauderdale.

84. And was it the fact, that Lord Lauderdale afterwards put the standing order upon the books, which prevented Messrs. Fourdrinier from having any benefit from the invention?—That is certainly my recollection.

85. With regard to the specification of the patent; in your opinion, was it or was it not a correct specification?—I believe perfectly so; I do not believe there was the least impeachment of it as a specification.

86. How came it then, that a feeling arose in Lord Tenterden's mind adverse to the specification?—I do not exactly know; but having paid a great deal of attention to subjects of that kind, I never could understand upon what ground that feeling arose; I should say, having seen the machine over and over again at work, I could see no ground for it.

87. Speaking as a lawyer, there is no reason, in your opinion, to show any fault in the specification?—None whatever; I believe there would be no difficulty in any properly qualified person who had read the specification and seen the machine, constructing it most readily.

88. Did any idea ever occur to your mind as to the cause of Lord Tenterden taking up that impression?—I never could account for it; and I never considered it as having any foundation; and, eminent as Lord Tenterden was as a lawyer, I have no hesitation in saying I should not consider him the best judge upon a point of that sort; my own opinion upon it was entirely different; I remember reading it with some surprise; I took a great deal of interest in the invention, as being a thing likely to be of great benefit to the public; I told Mr. Fourdrinier at the time, it was a thing that unquestionably would become general in the end, though I doubted whether it would spread over all England in sufficient time to give him the benefit of it.

Mark J. Brunel, Esq., called in, and Examined.

89. *Chairman.*] YOU were the inventor of the system for making the Thames Tunnel, and you have the superintendence of the execution of it?—Yes. *M. J. Brunel*, Esq.

90. You are an engineer?—I am.

 91. You

M. J. Brunel, Esq.

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91. You were examined upon the trials of Mr. Bloxam against Mr. Elsee in 1825?—I was.

92. Have you seen the specification for the machine for which the patent was taken out by Messrs. Fourdrinier for an improved method of making paper?—I have; I read the patent at the time.

93. In your opinion, was the specification entered by the individual who took out that patent, a correct one?—It was very clear and quite sufficient, I should say, for qualified persons to execute it after; it cannot be expected that because a man is a mechanic and a good workman he will understand a drawing at once; but among the men who are qualified to direct the execution of machinery, there are some who would go through the whole of this perfectly well.

94. The definition of a good specification of a patent is this, that an individual who claims a patent should put in such a description of his invention as to enable an ordinary workman in the particular line in which that workman may be employed, to construct and to make use of exactly a similar machine when the time of the patentee's rights are over. That has been laid down by the best opinions of the country as the definition of a good specification; did the specification put in by Messrs. Fourdrinier answer to that definition?—I still qualify my opinion in this respect, that if we look to some of the great establishments in machine-making about London or any where, there are some men in those establishments that have some comprehensive knowledge, and that direct the whole; but if you take men indiscriminately, you will find one workman that does not go to the same extent in comprehension that another does; but I say that that specification is completely sufficient in every respect to have made that machine.

95. Supposing that Messrs. Fourdrinier and all persons who had the secret had died, could any well-qualified individual, taking that specification, have constructed a machine and put it in operation, so as to produce the same results?—Certainly.

96. Then, in your opinion, the specification was as perfect as a specification could be?—It was perfectly good.

97. Can you account for how it happened that the Court of Justice over which presided the late Lord Tenterden, came to a determination not to allow the patent?—No, I do not recollect enough of it.

98. You did not coincide in that opinion?—No, certainly not.

99. Is there any other general statement which you wish to make upon the subject?—I consider that it is one of the most splendid inventions of our age, considering what it does, and what it is capable of doing; without it, where should we be in many respects? It is hardly possible to conceive the magnitude of it. When I say that it makes 1,600 miles of paper in one day, that is to say, the machines altogether, it is a monstrous thing; but unless I exemplify it by something like that, you cannot form an idea of it; but it is a fact, that the 280 machines that exist can make six miles a day of paper, and multiply that by 280, it will make 1,600 miles; now that is really prodigious, and it is not like a thing that will glut the market, but it is consumed daily.

100. Are you aware that a very beneficial invention has already arisen out of this invention, which is the printing by cylinders?—Yes; that is a stupendous invention.

101. The printing with cylindrical types never could have been effected, unless this discovery of making paper to any length had been made?—Certainly not; these are stupendous inventions. I recollect the first start of this machine for making paper; they never made paper in France, what can be called a saleable article, till it had been made in this country, to a degree which became of public utility; it returned there, and now of course it can go by itself. But without that immense sacrifice of property on the part of the inventors, it would have fallen like many other inventions which in time may again be revived; but that has been the ruin of many.

102. In your opinion, have not only happiness and civilization been promoted by the discovery, but also the revenue of the country?—Certainly.

103. Because the greater the consumption of paper is both in printing and in manufacture, and also in general use between man and man, the greater must be the revenue derived by the State from that?—Yes, and the idea is wonderful, that in a few hours you can have paper made from rags ready to write upon, (some has been

been made in an hour and a half ready to write upon,) and how smooth it is, compared with what it used to be. *M. J. Brunel*, Esq. 11 May 1837.

104. In the event of your wishing to make bank-note paper, or any paper that you wished to know again, could you put some mark upon it?—Yes, there may be a succession of marks.

105. Could not, by those marks, some prevention be made against forgery, by making marks which it would be exceedingly difficult to imitate?—They have arrived at such perfection in other ways, that they do not trouble themselves much about that.

Mr. *George Turner*, called in; and Examined.

106. *Chairman.*] YOU are a paper-maker?—I am. Mr. *George Turner*

107. Do you understand the working of the machine which is called Fourdrinier's Patent Machine for making paper?—I do.

108. Do you make use of it?—I do.

109. Have you seen that statement before, which has been prepared by Mr. Fourdrinier?—I have.

110. Do you consider it a correct statement?—According to localities there is a little variation, but the general principle is correct.

111. Have the goodness to deliver in that statement?

[*The same was delivered in, and read as follows:*]

Manual Labour of One Vat per week.	£.	s.	d.
1 vatman		19	6
1 coucher		18	6
1 layer		18	6
1 dry worker		18	6
1 finisher		18	6
1 parter		4	6
1 extra hand		12	–
Coals		7	–
Soap, oil and washing felts		3	–
	£.6	–	–

Machine capable to make 7 Vats, but estimated 5 per week.	£.	s.	d.
1 machine man	1	1	–
Boy to assist		7	–
Boy to cut		7	–
2 girls to lay paper		10	–
2 Finishers	2	2	–
Washing felts		3	–
	£.4	10	–
Divided by 5		18	–
One vat by machine.			

There are now 240 machines in operation, equal to 1,200 vats.

	£.	s.	d.
1,200 vats by hand, at 6*l.* per week, there being 52 weeks, at 7,200*l.* per week	£. 374,000	–	–
1,200 vats by machine, at 18*l.* per week, being 52 weeks to year, at 1,080*l.* per week	56,160	–	–
Annual present saving of labour			318,240 – –
Taking also the rental of 1,200 vats at 60*l.* per vat, it amounts to 72,000*l.* annually; and as, by manufacturing paper by machinery, a saving of the power by steam or water is equal to one-fourth, the manufacturer therefore benefited this additional saving in rent			18,000 – –
There now is about 2,500,000*l.* value of paper made annually, and from the increased competition, owing to the facility of bringing paper into a marketable state in 5 days in lieu of five or six weeks, the manufacturer, wholesale stationer, printer, bookseller and retail stationer, are enabled to carry on their business with diminished capital, and the consumer has paper more than 30 per cent cheaper, say, however, only 10			250,000 – –
These causes and effects united arise in consequence of the introduction of the machine, and the annual saving to the public		£.	586,240 – –

112. The machine is calculated as doing five vats' work only; is it capable of doing seven vats' work?—I frequently do to that amount.

113. You can, of course, bring paper into the market, by that means, in a much quicker manner than otherwise it could possibly have been brought in?—Very much quicker.

114. Supposing there was a great demand in the market for paper, could you produce by any means than by that machine a supply adequate to the demand?—The difficulty would be very great indeed; I should think almost amounting to an impossibility.

115. Is there any defect that you find in its working, or any objection that you can point out to the Committee which did not exist in the former system?—No,

Mr. George Turner. 11 May 1837.

—No, I know of none, and I have heard of none; it seems to be preferred for most purposes now-a-days.

116. Supposing there was a sudden demand in the market for any given quantity of paper, for 20,000 reams, can you produce that quantity much quicker by this machine than you could formerly?—I believe it would hardly have been possible to get together a sufficient number of hands at the time, because it could not be supposed that every establishment would have at command such available means; a great number of hands must be educated previously for many years; but here you have a portion of your means lying dormant, and ready to be called into action when you want.

117. And any sort of workmen, almost, will soon be accustomed to that work?—Very soon.

118. Because, in fact, the machine does all the work?—Yes.

119. In former times, when paper was made by hand, had not the wealthy manufacturers considerable advantage over the poorer ones?—Certainly, at all times.

120. Supposing this machine were employed by a man of great capital, and by a man of moderate means, would there be any great difference between them in the advantage they would derive from it?—With one or two exceptions, which still exist where a monopoly has perpetuated itself, I believe the system of machines has brought about such an equality in the general state of the trade as would be highly in favour of the manufacturers with small means.

121. In short, it has made a greater equality between the poor and the rich manufacturer?—Decidedly.

122. Mr. Alderman *Copeland.*] A party manufacturing under the old system by hand cannot compete at all with a party manufacturing by this machine?—Not at all.

123. *Chairman.*] Were there any machines in Scotland?—Yes.

124. Do they bring their machines into competition with this country?—Certainly.

125. So that it gives an advantage to Scotland and Ireland?—Very great; before, they were in a very inferior condition.

126. Do you consider that this patent is generally used throughout Great Britain?—Generally used.

127. Are there many mills going on by hand?—Very few, comparatively.

128. It has nearly superseded hand-labour?—Almost altogether.

129. And probably, in the course of time, will entirely supersede it?—It is generally expected, both among paper-makers and by the public.

130. Mr. Alderman *Copeland.*] Can you produce any paper that you have manufactured this day?—This is a roll of paper which has been manufactured to-day.

131. Will you state the time that it took in the process, from the pulp to the time that it was in this room?—It was made at the rate of about 25 feet in a minute; from a state of pulp it arrived at the point at which it was paper, in about a minute and a half or two minutes.

132. From the time it was in pulp to the time it was perfectly manufactured was less than two minutes?—Yes.

133. *Chairman.*] Formerly, when you made paper by hand, assuming that some very great demand, from a sudden circumstance, had occurred in the country, and that the workmen, taking advantage of the demand, had made a general strike throughout the country, would it have been absolutely necessary for the master manufacturers to have acceded to their terms?—It has been so upon many occasions.

134. Now, under the present system, supposing a great unexpected demand were to arise throughout the country, and the workmen, taking advantage of that, were to attempt to strike, would the result of that strike be as injurious to the interests of the master manufacturers?—I think not at all, beyond the delay of a day or two, because we could replace those that left in a few hours.

135. Is the paper that you make by this machine used in the Potteries for the printing of earthenware?—Yes, to a great extent.

136. It is better adapted to that purpose than any other paper?—Certainly; it is a strong paper.

137. You can by this machine make paper of any size and length?—Certainly of any length and of any size that the machine is provided for.

138. There

138. There would be no more difficulty in making paper nine feet wide than in making it six?—Nor twelve feet, if the machine is constructed suitably for it.

139. Do you manufacture any other description of paper besides that which is used for writing and printing?—Yes, all the coarser kinds of paper for packing. I have been applied to by an agent for a Russian house to make paper for the foundation for floor-cloths.

140. Is there any other way in which, in your opinion, this invention is beneficial to the interests of the community?—The public have the benefit of being supplied at a much cheaper rate than they could have been without it.

141. Can paper of this sort be made by hand?—Not in so great a length as that; not in that shape.

142. The quality of the paper could be made nearly the same by hand, but not the size of it?—No; there is a limit to which the men can reach the frame.

143. Sir *Oswald Mosley.*] In fact, no paper can be made by hand but as far as the man's arms can extend sideways; but by this machine you can make it of any width, if the machine is of sufficient width?—Yes.

144. *Chairman.*] To what purpose is the paper now produced applied chiefly?—The brown for Manchester purposes, and the other for stained paper for papering rooms.

145. Then it is stamped afterwards?—Yes.

146. Are not the wages of your men rather lower now, because you do not require regularly educated men for the purpose of that work?—The wages paid by the trade, in general, are lower; I pay mine more than I did then.

147. An ordinary man may in a few days acquire the power of making paper by this machine, but formerly it required a regular apprenticeship to be able to work in such a way as to be able to manufacture it?—Yes, and not one in ten of those could make paper so well as it is now made by the machine; it had not the quality about it which the paper made by the machine has.

148. Are you of opinion that this machine has increased the revenue?—Certainly; the consumption has greatly increased in consesequence of the facility with which it has been made, the quantity made in a given time, and the cheap rate at which it is now sold.

149. To the best of your idea, to what extent would you say the revenue has been increased by this invention?—I have never gone into the calculation particularly; I have seen the statements which have been given, and I consider them as nearly correct as I can arrive at any estimate myself.

150. You mean 500,000*l.* a year?—Yes.

151. You have reason to think that the revenue has been increased more than 500,000*l.* a year by this invention?—I have.

152. Still, however, assuming that this machine had not been invented, there would have been an increased consumption of paper from the greater demand of the community?—Undoubtedly.

153. There would therefore have been an increase of revenue?—Yes.

154. Therefore do you mean, that even taking into consideration the increased demand of paper which would have arisen from the increased wants of the community, the use of this machine alone has increased the revenue 500,000*l.* a year?—Certainly not; I could not venture upon that assertion, though I believe it has very greatly tended to give that increase; I certainly cannot go the length of saying that there would not have been a great increase by the vat-made paper.

155. Have you any idea what that increase would have been?—Nothing compared with this, because it has gone on increasing steadily; but if the old system had continued, there would have been such numberless turns-out among the men, that the quantity of paper made would not have been so much increased.

156. Are you aware of the advantage that has arisen from the new invention of printing by cylinders, and do you consider that it could have been brought to maturity without this previous invention?—I have not heard of it yet.

157. But assuming that invention to be carried to maturity, could it have been done without this previous invention?—Certainly not.

Mr. *James Low*, called in; and Examined.

Mr. *James Low*.

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158. *Chairman.*] YOU are of the firm of Pewtress, Low & Pewtress, who are wholesale stationers?—I am.

159. Do you work the machine of Messrs. Fourdrinier?—We have three machines.

160. Will you state what your opinion is of the machine?—We consider it of great practical benefit to the manufacturer of paper, inasmuch as it enables him to produce his paper with considerably less hands; and it is a great advantage to the public, inasmuch as it is produced at a lower price. Those are the peculiar advantages of it.

161. Is capital required?—There is less capital required, inasmuch as the goods come into the market in a much shorter space of time: for example; I had an order on Wednesday last for some goods of a particular sort to be made, and they were delivered in town on the following Tuesday from a distance of 30 miles, and they were detained 48 hours under the excise laws before they could be set at liberty; the order was only sent down on the Wednesday night's post.

162. If the market was not in a state of demand, could not you discontinue in some measure your manufacture?—No, it would not have that effect, but it operates in another way; under the old system we could not deliver an order under a month or six weeks, but now we can deliver the same goods within as many days.

163. You were formerly a good deal at the mercy of your men?—Those that adopted the old system were very much at the mercy of the men, because they had a very powerful club, and were in fact the masters, and not the proprietors of the mills; but we always protested against it, and never employed men connected with the club, on that account.

164. Then this Fourdrinier's machine has in a great measure done away with the means of combination?—Yes, in the machine mills it has done away with it; but the old system still exists in the other mills.

165. But almost any individual can be taught in a very short time to make paper by this machine?—I cannot go the length of my predecessor in that respect; it would take some weeks to make a man handy at it; still you have facilities in it that you have not in working the vat.

166. What was the time required by hand before a man could be master of it?—It was necessary to serve a regular apprenticeship before he could make a good workman.

167. Do you think that the size and quality of the paper could ever have been produced such as it is now, unless this machine had been invented?—You could produce as good a quality, but not the size; the advantage applies to the size, and the facility of getting a large quantity.

168. Together with the expedition with which it is manufactured?—Yes; it does not, in fact, increase the quantity of paper produced; the quantity depends upon your first moving power, that is, reducing the rag to pulp; the quantity is entirely regulated by that, and the making it into paper is another thing. If you had to make the same quantity by hand as is now made, you would require a vast number of vats, and larger premises to produce it; but the quantity could unquestionably have been produced by hand, inasmuch as it depends upon the power of the steam, or the power of the water-wheels, to reduce rags to pulp.

169. Sir *Oswald Mosley.*] Could the same quantity have been produced at the same cost?—Certainly not, it would be a much greater cost; but the reduction in the price and the facilities of producing the paper are the great points.

170. *Chairman.*] You have stated that, in your opinion, it has increased the facility of making paper and the size of the paper, but not the quality; could you have made, without this machine, what is called the Pottery tissue?—No; it has greatly improved the pottery tissue, and it has improved some other inferior sorts of paper, but not the finer sorts.

171. The Manchester wrapping paper, is that materially improved by it?—The quality of brown papers and whitey-brown papers and tissues is decidedly improved by this machine.

172. You have found that this machine has been able to improve paper, greatly, of certain descriptions, which could not have been so improved by the manufacture by hand?—It has, certainly.

173. You

173. You are decidedly of opinion that this means of making paper is an improvement?—A very great improvement.

174. Did you sign the petition to the House of Commons in favour of Messrs. Fourdrinier's claim?—I did, in favour of compensation being given to them.

175. Then your opinion is, as a paper manufacturer, and perfectly unbiassed, that they are entitled to some compensation from the country?—Clearly so; I think they are fully entitled to compensation.

176. Will you state your reasons for that opinion?—Inasmuch as the outlay must have been very great in bringing this machine to perfection; they must have sunk a great deal of money, and I apprehend the time allowed them by the patent laws was not sufficient to compensate them, because it takes a long while to get hold of the understandings of the manufacturers, to convince them of the advantage that it would be to them, in consequence of which they would not adopt it for several years, and I am persuaded they cannot, therefore, have been compensated for this useful invention, and therefore they are clearly entitled to compensation.

177. You are aware that they lost their patent by a decision of the Court of King's Bench; that it was in consequence of a determination, under the direction of the late Lord Tenterden, that the specification had not been properly enrolled?—Yes.

178. Can you state what were, in your opinion, the reasons why the Court came to that determination?—Not at all: I was not familiar with the machine at that time; that was many years back.

179. Then, taking into consideration the benefits which have been derived to the country by the use of this machine, and the increase to the revenue, you think that they are entitled to remuneration from the country, and you think that would be more desirable than a renewal of the patent?—I do not think, with the former witness, that the revenue of the country has been so much increased by the introduction of this machine, for the reason I gave before, that it does not influence to such a great extent the quantity of paper produced, because the quantity depends upon the power, which is the first moving cause, the power of the engines, or the power of the water-wheels.

180. You admit that the machine makes paper with great facility?—Yes.

181. You allow, therefore, that paper becomes cheap by means of this machine?—Yes.

182. Then, if the commodity in the market becomes cheap, does not the demand increase?—The demand is increased unquestionably, but not in any thing like that ratio. If the Times newspaper were to double its circulation, they would find the means of getting the paper, whether there were machines to make it, or vats.

183. The question is, whether or not this machine has increased the revenue: you say, not in so great an extent; then the question is, whether or not the revenue is not increased by the greater consumption; and whether the greater consumption does not follow from the greater cheapness of the commodity?—It no doubt has a tendency to increase the consumption, but that is not the real cause of the increase; it arises more from an increased demand for reading; an increased quantity becomes the result of an increased number of newspapers.

184. Is not that demand increased by the cheapness of production?—It is, to a certain extent; but the reduction in the cost is not sufficient to have such a mighty influence upon the production of the goods.

185. There can be no doubt that the increased civilization of the country has increased the demand for paper; but does not the increased facility of producing that paper, and the increased cheapness of the commodity, create a great increase in the demand of the public for that commodity?—It does to a certain extent, but not to any thing like this extent.

186. Mr. Alderman *Copeland.*] Are the Committee to understand that, so recently as last Wednesday the 3d of May, you received an order which you sent by that night's post to your mill, and that the manufactured article was under the locks of the excise 48 hours, then delivered, and the order completed in London on Tuesday the 9th of May?—I delivered it at the Stamp Office to be stamped. It was in consequence of a newspaper altering their size suddenly;

Mr. *James Low.*

11 May 1837.

suddenly; they required a particular size, and we had short notice to produce it.

187. What distance from town is your manufactory?—That manufactory is 34 miles from London.

188. By what conveyance did you send it up?—By my own waggon. It would take 24 hours to bring it up. The expedition is a strong point in favour of this machine; we are producing paper of that width at the rate of 30 to 36 feet in a minute; we go faster than many other makers. There are some other very useful inventions that this has led to, which are very important: one of them is a combination of hollow cylinders filled with steam, by which we are able to dry the paper as it is made; under the old system it was made in single sheets, and hung up in lofts in a wet state; it was necessary to separate the sheets in a wet state, under which process there was a great deal wasted, and there was a great deal wasted in hanging it up in the lofts.

189. Sir *O. Mosley.*] That invention would not have been made, except for the introduction of this machine?—No, it arises out of it. There is another very useful invention has arisen out of it; under the old system every sheet of paper passed under the hands of women, who, with the point of a knife, removed little knots from the surface, making a vast number of sheets defective; and arising out of this machine there is a very pretty invention, which separates the knot from the pulp before it is made into paper, by a sort of hydraulic pump, leaving the knots at the top and allowing the pulp to pass beneath through a sifter, leaving the knots on the surface, which entirely supersedes the necessity of passing the sheets through the hands of the women to remove the knots; it increases the beauty of the paper very much indeed, and very much lessens the waste in manufacture.

190. *Chairman.*] Have you heard of the new invention of printing with cylinders; in your opinion does this machine facilitate that invention?—Not at all, I think, for this reason; if you were to print a newspaper on one continuous sheet, you would be under the necessity of cutting it separately after it is printed, to form so many single papers, which would be a much longer and more difficult process than laying it in single sheets, because now the paper being cut in single sheets they are able to lay it as fast as the machine will travel, and it comes out then a perfect newspaper.

191. Is not the drying quicker?—They do not dry it; they deliver it wet; and, being printed wet, it would be impossible to cut it into sheets, in a wet state, with any degree of neatness.

192. You think you could lay a single sheet in, as quick or quicker than you could cut it?—Very much quicker.

193. Mr. Alderman *Copeland.*] Is not there a vast deal of paper made in Ireland by this machine?—Yes.

194. Particularly in the north of Ireland?—Yes, and in Scotland too; there is a great deal imported from Scotland into this country.

Thomas Gardiner, Esq., called in; and Examined.

T. Gardiner, Esq.

195. *Chairman.*] WHAT is the name of your firm?—Bowles & Gardiner, wholesale stationers, in Newgate-street.

196. How long have you been in this firm?—I am sorry to say, about 40 years, and our house has been in existence double that time.

197. Do you recollect the introduction of Messrs. Fourdrinier's patent?—Perfectly well.

198. At the time of its first introduction did your firm oppose its introduction, or not?—We did, quietly and passively, by giving it no support, because it interfered with our old-established system of supplies; and, being averse to innovation, we gave it no support.

199. Has the machine, in your estimation, been the cause of a greater demand for paper?—I think very greatly.

200. How would you account for that?—By the cheapness; by the facility of its being manufactured in very quick time; by the impediments being altogether done away with as regarded combinations on the part of the manufacturing men, which impeded our progress as dealers in the article to such an extent as to prevent our supplying it when we had orders; for I recollect a period when the mills of England were still for 11 months from the combination of workmen.

201. And now that is totally out of the question?—Yes.

202. You agree with the observation, that the greater cheapness of paper creates a greater demand?—I think so.

203. Are there not papers of different magnitudes made now, both thick and thin, for various purposes, which could not have been made under the old system?—I think so, if you consider the dimensions.

204. What were the sizes of paper made before the invention of this machine?—There was a sort of regular established table of paper which bore several names, and they were regulated by the Act of Parliament as regarded their size; such as antiquarian, double elephant, and so on, down to foolscap, all varying in size; now you can make them of any size you please.

205. Will you state what were the largest sizes before?—The largest paper I ever heard of was antiquarian, the dimensions of which I do not recollect; but then, as I have understood, it was manufactured with the assistance of three or four men dipping the mould into the vat, and only one or two manufacturers in the kingdom ever made it.

206. Do you consider that this machine makes not only larger paper, but better paper?—Decidedly.

207. The paper made in this manner is particularly useful in the potteries, is it not?—And in every other use to which paper is applicable; it is greatly improved as to strength and beauty, and evenness of surface and regularity of substance.

208. How did they manage in the potteries before they had the pottery tissue?—By a miserable substitute.

209. Sir *O. Mosley*.] Has the letter paper been very much improved since the introduction of this machine?—I think it has been so much improved as that you may get very excellent letter paper at a lower price.

210. Can you state the difference in the price of a ream of letter paper of the best quality previous to the invention of this machine, and at the present moment?—I do not immediately recollect the prices, but I should conceive the present pretty nearly 50 per cent. cheaper than it was in former days.

211. *Chairman*.] And is every description of paper reduced to the same extent?—Perhaps to the extent of 50 per cent.

212. Did you sign the petition to the House of Commons in favour of Mr. Fourdrinier?—I believe I did.

213. You signed that petition under the impression that Mr. Fourdrinier was deserving of compensation?—Fully, and I think so now.

214. Is it your impression that that compensation ought to be by a grant from the country, or by a renewal of the patent?—The renewal of the patent, I conceive, would throw the whole of the manufacturers of the kingdom into confusion, and therefore I should consider the compensation as justly due, on account of the lost fortune of the patentee.

215. To your knowledge, were the Messrs. Fourdrinier largely concerned in the paper trade before this machine was invented?—Very largely; they were the first house in London as stationers, within my recollection.

216. Have their losses been very considerable in bringing this machine to perfection?—Immense.

217. Mr. Alderman *Copeland*.] Was it generally understood that the bringing this machine to perfection ruined them?—It totally ruined them.

218. *Chairman*.] Can you give the Committee any idea of the profits of the firm of Messrs. Fourdrinier previous to their turning their attention to this machine?—An application was at one period of Messrs. Fourdrinier's time made to our house for my father to join them in partnership, and on that occasion my recollection carries me as far back as to say that some 12 or 13 or 14 or 15 thousand a year were the profits of the house. I recollect the late Mr. Bloxam, who was a partner in that house, stating that to my father.

219. Do you consider that the whole of that income was sacrificed by their turning their attention, as they did, to this invention?—Clearly so, in my opinion.

220. Sir *O. Mosley*.] It required their money to be withdrawn from their trade as stationers to perfect this machine?—Yes, and they became embarrassed in consequence.

221. And that absolutely ruined the concern?—Yes.

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222. *Chairman.*] And if, instead of turning their attention to that machine, they had simply continued their business, they would probably have been in the receipt of a large income?—Yes, and the country would not have the benefit of that improvement.

Mr. *Edward Wiggins*, called in; and Examined.

Mr. *E. Wiggins.*

223. *Chairman.*] YOU are a wholesale stationer; in what firm?—In Jones, Wiggins & Co., Aldgate.

224. Your firm has been long established?—I believe the house is more than a century in standing.

225. Do you remember the first introduction of Messrs. Fourdrinier's machine?—Perfectly.

226. Were you opposed to it?—Certainly we were.

227. Upon what principle?—The first principle, I believe, which every one will act upon, self-preservation. We saw clearly, that when that machine came to be carried out to perfection, a very large portion of our profit was gone, and therefore we opposed it.

228. Do you consider that the machine has been the cause of a reduction of the price of paper?—No doubt of it.

229. Do you consider that the revenue of the country has been increased?—Certainly it has.

230. To what extent, would you say?—That is a question that I could not answer with any precision.

231. But to a considerable extent?—Certainly.

232. Are papers now manufactured, both thick and thin, of different sizes, which you were not able to manufacture in former times?—In a great variety; the Manchester packing paper, and the paper for hanging, and the Pottery tissue; it was impossible to produce them.

233. You know that the newspapers are now printed double; that could not be done formerly?—Certainly not; the largest paper printed, by Act of Parliament, was about 32 inches, and I recollect having a lot at the Stamp Office when it was half a barleycorn over, and they would not stamp it, and we were obliged to petition.

234. Did you sign the petition to the House of Commons in favour of Mr. Fourdrinier?—Our house did.

235. Are you of opinion decidedly that they are entitled to compensation from the country?—Certainly; it has been a public benefit, and, in my opinion, they are entitled to public remuneration.

236. Sir *Oswald Mosley.*] You consider this a very valuable invention?—Certainly.

237. *Chairman.*] Do you recommend that if any remuneration was given to these gentlemen, it should be in the shape of a pecuniary one, or by a renewal of the patent?—A pecuniary one, certainly; it would interfere with all the established interests of the country who are engaged in the manufacture of paper, if the patent were renewed.

238. Do you know whether they were largely concerned in the wholesale paper trade before they engaged in this invention?—Yes; they were the first wholesale stationers in the country.

239. Have you any idea what profits their house made?—I cannot certainly state any idea, not having had any access to their books.

240. But you think the profits must have been considerable?—The trade was a very excellent one during their prosperity, and I have no doubt the profits were great.

241. Did they, in your opinion, lose those profits in consequence of turning their attention to the formation of this machine?—No doubt of it.

242. Have you any thing else that you wish to state to the Committee?—There is one thing, respecting which I have not been asked, which I think will be beneficial to the country. Formerly we imported all the copperplate paper consumed in this country; now we produce it in Hertfordshire, consequently we have no occasion to go to France for it.

243. Is that produced by this machine?—It is; which could not have been done previously.

244. Is it required to a considerable extent?—To a very large extent.

245. Then that is an addition to the revenue also?—Certainly, a very material

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material one; all the accession of duty which you gain to the revenue upon that article is a clear accession.

246. Sir *Oswald Mosley.*] There is scarcely any limit now to the size to which a copperplate may be engraved?—As regards the paper, you may get it of any length, and of very considerable width; you are obliged to apportion the size according to your plate.

247. *Chairman.*] Do you export paper now to any extent?—We do occasionally; not to any very large extent.

248. You have stated also that the paper is better than what it was formerly?—There cannot be two opinions upon that head, upon a vast quantity of sorts that are made.

249. That is to say, the ordinary run of paper is better; but cannot Whatman, or some of the great paper manufacturers, make paper equally good?—That is a totally different article; the machine paper and Whatman's paper are never put into competition.

250. Do you ever make use of the hand-made paper now for printing?—We have a lot of hand-made paper in our house at this moment; I believe it was made in the year 1815 or 1816; we were not the first purchasers of it, but a house in the trade had it, and I believe to a considerable extent, perhaps 700 or 800 or 1,000 reams, and occasionally we bought 100 of them, and then another 100; we were induced at last to clear the lot, and we have had that lot now about six or seven years, and at such a price that no manufacturer can make it by machine for the money, and yet we cannot sell it.

251. On account of the quality?—Not exactly the quality; but it is manufactured by hand, and the colour is wanting, and it has not the improvements of the present day.

Mr. *John Prince*, called in; and Examined.

Mr. *John Prince.*

252. *Chairman.*] ARE you concerned in the paper trade?—I was brought up to the trade as a manufacturer, but I have been principally employed as an agent to paper manufacturers for about 34 or 35 years in London.

253. What is your view of Messrs. Fourdrinier's case, with regard to the question now before the Committee?—I saw the statement which Mr. Fourdrinier made, and having been out of trade some time, I could not pledge myself to the particulars therein, but I have made a calculation of my own. The difference in the price of the finest writing paper that is made by hand, and the finest printing paper that is made by machinery, is at present about 30 per cent.; and if it be considered that the finest writing paper is supplied imperfect, and printing reams supplied perfect, that is, there are 20 perfect quires supplied by the printing paper makers, and only 18 perfect quires and two imperfect ones by the writing paper makers per ream, the difference in the cost is 30 per cent.; but if 5 per cent. be added for the consideration that one is supplied perfect, and the other imperfect, it will make a difference in the cost of 35 per cent.

254. What is your estimation of the increase there has been in the revenue by this invention, that is to say, the increase that has taken place beyond what would have taken place if this machine had not been invented?—That fact cannot be arrived at. It is impossible to say what the consumption of paper would have been, had it not been for this machine; but a general idea might be formed by comparing the price at which it is rendered to the public. I have said that there is a difference of 35 per cent.; that is, in the actual cost of the finest printing paper and the finest writing paper now supplied; and supposing the pulp to cost the same, and the duty to be the same, the difference is wholly brought about by the introduction of this machine. But then at what rate the vat paper-makers are obliged to work below what they would otherwise have worked if it had not been for this machine, is also to be considered. I believe the vat paper-makers are very dissatisfied with their present profits, and that they have reason to be so, and that but for the machine, instead of 35 per cent. difference, I should say that the price at which best paper would be furnished to the public would be from 40 to 50 per cent. above the present prices, and it is actually 35 per cent. It seems that the revenue that was paid on paper in 1835 was 833,822*l.* At that period it was said that there were more than 240 machines at work;

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I take it at 240, and that each of these machines is capable of doing considerably more than five vats' work. That is the lowest estimate, I believe, at which the machine is estimated. Many machines do considerably more, but I take that as the lowest estimate, and that produces 1,200 vats of paper. Now I think, if a vat of paper be considered at the rate at which it is made per vat, it will show pretty accurately what amount of revenue is paid from paper produced by the machine, and from what was produced by hand at that period. A vat's work of foolscap is 10 reams a day; I think the weight of foolscap is 14 lbs. or 15 lbs. A vat's work of post paper is nine reams per day, and the weight of that of fine post is 20 lbs. A vat's work of writing demy would be eight reams, and its weight is about 24 lbs. The lowest amount of paper that is produced is that of foolscap, and at the rate of 8 cwt. a week, one gives 9 cwt., and the other gives 10 cwt. 2 qrs.; I take it, therefore, that it is fair to consider that each of these 1,200 vats would produce 8 cwt. of paper weekly, and this gives for the yearly supply 499,200 cwt., which paying a duty, as it did at that time, of 28*s.* per cwt.; I should here say that there were two classes of paper at that time, and now there is only one; but the second class paper was very trifling compared to the first class; it only related to brown paper, and the principal part of the brown paper being made by machinery, I have not distinguished it; but this calculation would show that the quantity of paper made by the machine at that time paid duty to the amount of 706,560 *l.* out of the whole amount of duty of 833,822 *l.*, which was the amount of duty paid upon machine paper, and duty paid upon vat paper in 1835; I also made another calculation, which, I think, will bear out the statement therein made, and which cannot be contradicted; judging from the duty paid upon it, I should have said that the value of the paper that was produced in 1835 would exceed 3,000,000*l.*, the duty being 800,000*l.*; a part of the duty has since been repealed; I therefore take the repeal duty to be half a million, leaving two millions and a half as the amount of the value of the paper that is now yearly manufactured. I have already said that there is a difference between the cost of vat paper and the machine paper of equal quality, of 35 per cent; but if it be taken at 25 per cent., it will give 600,000 *l.* and if at 30 per cent., it will give 725,000 *l.* in favour of the machine, showing that the public are getting, upon the amount of the paper which they consume, a considerably greater saving than Messrs. Fourdrinier have stated. They have stated it, I believe, at half a million; that is the amount which the public gain by this machine; I would add, that it is my opinion that the public have lost many millions by the delay which arose through the litigation to which Messrs. Fourdrinier were subject; the public have suffered through that cause to a much greater extent than Messrs. Fourdrinier have done.

255. You are decidedly of opinion that they are entitled to remuneration from the country?—Certainly.

256. Sir *O. Mosley.*] Supposing Messrs. Fourdrinier could have immediately brought their machines into operation upon the introduction of their patent, the public would have been gainers thereby to a very large amount?—Yes, many years before they were actually brought into operation; and if the public are now benefited to the extent of nearly a million of money annually, the longer the delay before that benefit was obtained, the greater the loss to the country.

257. And that loss you calculate upon the amount of the advantage the public are now receiving from the operation of the machine?—Decidedly.

Mr. *Charles Knight,* called in; and Examined.

Mr. *Charles Knight.*

258. YOU are of the firm of Charles Knight & Company?—I am.

259. You are the publishers of some works which have a very extensive circulation?—I publish some of the most extensively circulated works of the Society for the Diffusion of Useful Knowledge; and I am also a large publisher, independent of publishing the works of the Society.

260. Will you state your opinion as to the benefit arising to the community from the use of this machine?—Perhaps it will be better that I should state my own experience of the benefits with regard to my own consumption. First, with regard to the cheapness of printingpaper; there is a positive cheapness, as compared with the former prices of printingpaper made by hand; but there is an additional cheapness arising from the improved quality of the paper; taking the

the paper, for example, made by hand, weighing 20 pounds, I should say that the paper of 18 pounds per ream made by machine would be of quite equal quality for all purposes of printing; the larger sized papers that are now made, and which are used for newspapers and double newspapers, and also for many other publications, could not have been made by hand of a thinness adequate to the purpose: for example; a paper as large as the double Times must have weighed very much more.

261. Could it have been made at all by hand?—It could not have been made at all by hand; no paper larger than the antiquarian drawing paper could have been made by hand; that was a most expensive paper; but there is an incidental saving to which I am enabled more particularly to speak; there is a saving in printing which is consequent upon larger size; we now use many double papers at the printing-machine, which could not have been made by hand except at a large expense; that is, as the cylinder in the printing machine makes so many revolutions a minute, we can, according to the width of the printing machine, obtain two impressions for one: for example; in printing the Penny Magazine, which I publish, and the Penny Cyclopœdia, we print two Penny Magazines instead of one Penny Magazine, by increasing the diameter of the cylinder; we use larger paper, consequently there is a saving upon the press-work of 50 per cent. There is another incidental commercial advantage, the rapidity of supply, in which rapidity is included certainty; the supply is such as to enable one with perfect ease to meet the demand, however large, without keeping any stock in hand: for example; I use about 1,500 reams of paper per month; unless this machine had been invented, I could not have gone into the market with the certainty of purchasing 1,500 reams of paper for the month's consumption; and I should have been obliged to have kept two or three months' consumption to have insured a regular periodical supply; that amounts to a large saving to a person engaged in publication. I do not know that I have any thing further to say that peculiarly arises out of my own experience.

262. Then there is no doubt that in every point of view the country has been benefited by this invention?—Most unquestionably. With regard to the great object of advancing the civilization of the country, I am sure that nothing like an extensive diffusion of such works as I publish, which I think do in some degree advance the civilization of the country, could have been carried on without this invention, with any thing like the certainty and cheapness with which they are carried on at present.

263. Did you sign the petition to the House of Commons in favour of Messrs. Fourdrinier receiving compensation?—I did.

264. Do you recommend this compensation to be a pecuniary one?—Unquestionably so, from the utter disorganization that a renewal of the patent would produce in the present existing interests.

265. You have heard the evidence brought before the Committee to-day, and you have also formed your own opinion; from what you know of the invention, are you decidedly of opinion that he is entitled to compensation from the country?—Most clearly. There was a question asked Mr. Low with regard to Mr. Hill's machine; I am perfectly acquainted with that machine, and I think it will eventually come into considerable practice; there are, of course, commercial difficulties in every large undertaking. By that machine there is no doubt the great principle of the economy of time will be promoted, by having the power of using paper in enormous rolls of any extent. The objection made by Mr. Low to the time that would be lost in cutting does not apply, for Messrs. Hill have invented a cutting-machine, that works as rapidly and as simultaneously as the rest of the machine, and it cuts also wet paper.

266. Sir *Oswald Mosley.*] That machine would have been perfectly useless, or rather would not have been invented, had it not been for the previous introduction of Messrs. Fourdrinier's machine?—Having had frequent conversations with the inventor of that machine, I am certain that his original notion was to use paper made in rolls, such as can be made only by Messrs. Fourdrinier's machine; there are difficulties, under the excise laws, in the supply of such paper, and he has applied himself to remove those difficulties as far as he can, by laying on single sheets, but the impediments to that are so considerable, and the perfection of the machine would be so complete by printing from rolls, that

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that if there was no difficulty in the way of printing from rolls, he would give up the other plan instantly, I have no doubt.

267. Then, if the excise did not throw in any difficulty in the way, there would be no impediment to the perfection of this machine?—None whatever.

268. The excise limits the extent of paper?—Yes, to some 30 or 40 or 50 yards; it might be got over, perhaps, by a petition.

269. That machine of Hill's could not have been brought into operation, unless this machine of Messrs. Fourdrinier's had previously existed?—Clearly not.

Mr. *John Davis,* called in; and Examined.

Mr. *John Davis.*

270. YOU are the superintendent and publisher of the Religious Tract Society?—I am, and have been these 20 years.

271. Are you acquainted with the merits of Messrs. Fourdrinier's machine?—I am.

272. You consume paper to a great extent?—From 20,000 to 25,000 reams annually.

273. Will you state what you think of this invention?—I am convinced, from having given great attention to the merits of it, that we have at least, in our purchase of paper, saved 10 per cent. within the last 20 years, and I attribute it mainly to the difference between machine paper and hand-made paper; I would say from 10 to 15 per cent. I apprehend the difference is.

274. In short, in every point of view as regards printing, it has benefited the community?—Unquestionably it has benefited us, and, through us, the community at large.

275. Is there any statement you would wish to make to the Committee upon the subject?—I think I may venture to say that that reduction of 10 or 15 per cent. enables us to go to market again much sooner; for instance, if I before gave 1*l.* for a ream of paper, and afterwards can buy it for 16*s.*, I have 4*s.* to go to market again, which we otherwise should not lay out, because we have a limited sum; but we make it go a great deal farther by continual fresh purchases of paper that we save 4*s.* a ream upon.

276. Does it enable you to carry on the business of publishing to a much greater extent?—Our facility of doing that arises partly from the introduction of stereotyping and steam printing; but by means of this invention we obtain our supplies of paper with certainty, which we could not have done otherwise. We use nearly 25,000 reams annually; if we could not have the supply which we want, we should be compelled to keep a very large stock on hand, and that stock we do not keep.

277. The keeping that stock would be a dead loss upon capital?—Assuredly.

278. Have you any further observations to make with regard to the benefits arising from this invention?—If I may be allowed to say a word respecting the printing by this new machine which has been referred to, I foresee difficulties there which I think are not very easily to be removed. I do not see how a very long roll of paper of many yards long is to be wetted, nor do I see how the Government will charge the duty upon it when made, as they do now, so much a ream, by the pound; and if it was to be used for newspaper stamps, I do not see where they would affix the stamp.

279. Has Messrs. Fourdrinier's invention had the effect of greatly reducing the price of paper?—The price of paper during the last 20 years is greatly reduced, and I attribute that in a great degree to the facilities afforded by the machine.

280. Have you made any calculation upon that subject?—I have a letter which has been put into my hands from a printing office at Oxford, stating the prices of the fine quality of paper from 1814 to 1834, commencing at 1*s.* 5*d.* per lb., and reduced in 1834 to 1*s.*; the second qualities of paper were 1*s.* 3*d.* per lb. in 1814, and in 1834 they were reduced to 11*d.*

281. Did you sign the petition to the House of Commons in favour of Messrs. Fourdrinier?—I did.

282. You think Mr. Fourdrinier fully entitled to compensation?—I was fully convinced that he was.

283. From the benefit which has been received by the community from his invention?—Yes, I thought it a national advantage.

Mr. *John King Knight*, called in; and Examined.

Mr. *J. K. Knight.*

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284. *Chairman.*] You are an earthenware manufacturer at the Staffordshire Potteries, of the firm of Messrs. Knight, Elkin & Bridgewood?—I am.

285. You have heard what has been stated with regard to this invention of Messrs. Fourdrinier; do you find any benefit from the use of this paper in your potteries?—We have used it sometimes, and we find great benefit from it.

286. In what way do you find the benefit chiefly to arise?—It is much better in quality, and it is also a great deal cheaper than that which was worked by hand.

287. If the machine had not been invented, could you in any way have procured paper that would have answered your purpose equally well?—Not so well as this of Messrs. Fourdrinier.

288. Is it the paper that you call the Pottery tissue?—Yes.

289. Will you state why this paper is superior to any paper that could be made by hand?—I cannot enter into the details of the manufacture of paper; but it is finer paper, much stronger, and brings a better impression upon the plates. Our plates that we print from are very fine; and although we have made a great many improvements of late years in our bodies and glazes, still I consider that if we had not been favoured with Messrs. Fourdrinier's paper, we should not have brought our goods to the perfection at which they are at the present time.

290. Will you state the reduction in price which has been produced by this invention?—I think that, since 1814, it is reduced nearly 100 per cent.; in 1814 the demy was 11*s.* 6*d.*, and it is now 7*s.*; the large plate was 19*s.*, it is now 10*s.* 3*d.*; the large royal was 19*s.*, now 10*s.* 3*d.*

291. There has been a reduction of nearly three-sevenths?—Yes; there is another advantage we have in this paper; while the paper was worked by hand, we were forced to keep a large stock on hand in case of turn-outs by the operatives; but now, at three days' notice, we can have any quantity we want, which enables us to keep our stock low.

292. Mr. Alderman *Copeland.*] Is not the paper manufactured by this machine so very superior, that you have very little loss in your manufacture?—We have not so many seconds made; the prints come off good, and therefore most of our wares are bests, and not seconds.

293. Did you sign the petition to the House of Commons in favour of Messrs. Fourdrinier?—I did; I considered that the benefits that the public derived from the paper made by their machine are such that they are entitled to some compensation from the public.

294. And you hold that impression now?—I do.

295. Sir *Oswald Mosly.*] What is the reason why the Pottery tissue made by this machine is so much superior to that made by hand?—It is more level; it is freer from defects and holes. The paper made by hand, which we have had, has been full of small holes like pin-holes, and therefore it is not so strong and so good, and it cannot bring out perfect impressions, and it is a loss also to the workmen; they have to take off those imperfect impressions from the ware, and to dry the ware, then to go through another operation.

296. *Chairman.*] Then the Committee are to understand that you could not print the earthenware manufacture in the manner that you do if it were not for the use of this paper, and this paper could not be produced without this machine of Messrs. Fourdrinier?—I believe not,

297. Then the beauty of your earthenware, as well as the value of it, has been materially improved by the production of paper of this description?—It has.

Mr. *John Joseph Lawson*, called in; and Examined.

Mr. *J. J. Lawson.*

298. YOU are the printer of the "Times" newspaper?—I am.

299. What is your opinion of the paper produced by this machine of Messrs. Fourdrinier?—I consider that considerable benefit has resulted from the manufacture of large paper. I cannot conceive how we could get on without it; we could not print a double sheet, certainly. I also consider that there is an increase of consumption in consequence, because we print now in large sheets as large a number as were printed in small, but we could not afford to give double sheets, if we were forced to pay a stamp on each; neither

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should we able to find room for the number of advertisements, nor to supply the public with the intelligence which they would look for. By being enabled to give a larger paper with fuller intelligence, a greater demand of course arises.

300. Then your printing upon these double sheets enables you to insert a very great number of advertisements more than you otherwise would be able to do?—Certainly.

301. That is an increase to the revenue?—Undoubtedly; looking upon it in all ways, it is a benefit to the revenue, a benefit to the public, and a benefit to ourselves in the printing trade; it gives us more facilities, and it reduces labour.

302. Can you give the Committee an idea of the increase to the revenue which arises from using these double sheets?—Only as regards our own establishment; I should say, that we might consider that the weight of paper that we consume is nearly doubled, by being enabled to print on large sheets, because we could not afford to give the stamp away.

303. Then there is a double advantage arising to the revenue, one from the increased weight of paper consumed, and the other from the number of the advertisements being more than double, because the whole of the additional sheet is given to advertisements?—Certainly.

304. Can you state what is the weight of paper that you consume in a week?—I should think 15 or 16 thousand pounds.

305. Do you think, from what you have heard, and from your own observation, that Messrs. Fourdrinier are entitled to any compensation from the country?—I should certainly say so, especially from what I have heard in evidence to-day. I am not acquainted with the paper manufacture, but I should say that the benefit which has originated from the invention entitles Mr. Fourdrinier to compensation.

Luke G. Hansard, Esq., called in; and Examined.

Luke G. Hansard, Esq.

306. YOU are Printer to the House of Commons?—I am, jointly with my Brother and our Sons.

307. Will you state your opinion as to the benefit arising to the community from the use of the paper made by Messrs. Fourdrinier?—I think great benefit must have arisen, inasmuch as the public has been benefited by the increase of printing. The great circumstance, as it appears to me, which is productive of advantage in economical printing, is the extensive surface which can now be printed: the difficulties which opposed that mode of printing in former practice were two, the difficulty of procuring paper large enough, and the difficulty of producing the impression upon that paper; both those difficulties seem to me to have been completely got rid of by the introduction of the machine-made paper, which has led to the introduction of the machine printing. Paper of an extensive surface could of course be produced without it, but only to a certain extent, and when so, was necessarily very expensive, as has been explained by some of the practical witnesses before the Committee to-day; and, of course, machine-printing could have been carried on to a certain extent, even by hand-made paper, but it would manifestly have been much more limited than it is at present; the extensive surface which can now be made by the machine enables printing to be executed of any reasonable extent, and the introduction of the machines for printing, by which the impression is produced by cylinders, enables the use of that sized paper to a greater extent, and of course increases the extensive application of that kind of printing for the purposes of the diffusion of knowledge.

308. Have not you omitted one important circumstance, which is, that the supply is more easily obtained?—Consequently it is; that I omitted, because it has been so largely explained by those gentlemen who seem more immediately concerned in the supply.

309. Do you think that Messrs. Fourdrinier are entitled to any remuneration from the country for this invention?—It would appear to me so, upon the general principle upon which patents are granted; in which, in an ordinary case, the benefit is divided between the public and the individual; but there are cases,

and

and this seems to be one of them, in which the public derive the whole benefit, and the individual does not get his portion of it; and I believe that that principle has been recognised by the Legislature in many instances, and upon that principle I think it should be applied in this: an individual has sacrificed his fortune in producing a very important invention, which has led to the introduction of other inventions, which have gone on concurrently with it, and he has not been able to derive his share of the benefit, but the country has derived the sole advantage of it.

Luke G. Hansard, Esq.

Veneris, 12° die Maii, 1837.

MEMBERS PRESENT.

Sir Oswald Mosley.	Mr. Bannerman.
Mr. M. Philips.	Mr. W. Patten.
Mr. Alderman Copeland.	Sir John Wrottesley.
Mr. Baines.	

MR. MACKINNON, IN THE CHAIR.

Mr. *George Clowes*, called in; and Examined.

Mr. George Clowes.

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310. *Chairman.*] I BELIEVE you are of the firm of Messrs. Clowes & Sons, the printers?—Yes.

311. Would you state to the Committee whether or not, in your opinion, this invention of Messrs. Fourdrinier has been beneficial to the trade and the public?—It has been most beneficial to our trade, principally in reducing the price of paper, so enabling us to produce books at a much cheaper rate; and, in fact, the paper machine, in connexion with the printing machine, without which the printing machine would have been comparatively useless, has effected a complete revolution in our business; where we used to go to press with an edition of 500 copies, we now print 5,000.

312. In consequence of the facility afforded by the formation of this paper?—Yes, and in consequence of the rapidity with which we can print by the printing machine, and the abundant supply of paper which we can now obtain.

313. Confining your attention only to one point, which is the cheapness of the paper, I wish to ask you one question; you state that the paper is much cheaper now than it used to be, but do you attribute this cheapness of paper to arise entirely from the discovery of Messrs. Fourdrinier, or are you also to take into account that a depreciation has taken place in the price of rags and materials for making paper since the invention of this patent?—Of course this would have some effect on the reduction.

314. You are not prepared to state to the Committee to what extent?—No.

315. You mean to say this; assuming that the price of paper has fallen to the value of 60 *l.* per cent., could you state to the Committee, out of that saving to your trade of 60 *l.* per cent., how much arises from the use of the patent, and how much from the low price of materials in making paper?—I am not sufficiently acquainted with the price of the raw material to be able to answer that question; it is rather a question which the manufacturer of paper would be better able to answer.

316. Your answer is, then, that the price of paper since the introduction of this machine has materially fallen?—Yes, and that it has produced a very great difference in our trade, by reducing the price of books, and thus increasing the demand.

317. Mr. *Baines.*] And you attribute that depreciation in part to the application of this machinery for the making of paper?—Most certainly.

318. *Chairman.*] What would be the effect of the renewal of the patent upon the trade in general?—I really do not think it would be possible to renew the patent; it has been so long the property of the public, that it would upset all the existing arrangements for the manufacture of paper.

319. Did you sign a petition to the House of Commons, praying, amongst others, that remuneration should be granted to Messrs. Fourdrinier?—Yes.

320. How long was it since that petition was signed?—I think it is two or three years ago.

321. You have already stated, in your opinion, you think Messrs. Fourdrinier are fully entitled to compensation for the benefit conferred upon the community?—Most certainly.

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322. Have you any thing further to state to the Committee?—With regard to the quality of the paper, I think it is better suited to our purposes in every respect than the hand-made paper; in fact, we never like to make use of any hand-made paper.

323. Then you distinctly state you could not print to the extent that you do now, unless that discovery of Messrs. Fourdrinier had been made?—Certainly not; where we used to print 100 or 200 reams a week, we now print from 1,000 to 1,200.

324. And which you could not have done from hand-made paper?—No; it has called into existence a class of cheap publications which could not otherwise have been produced.

325. Do you attribute the production of the Penny Magazine and all those cheap publications to the discovery of Messrs. Fourdrinier?—Yes, the Penny Magazine could not have existed without this discovery. I had forgotten to state this additional advantage to be obtained from the use of this machine; we are enabled to have paper of any size that we require, so that we can print a larger number of pages at one time; for instance, in printing a common demy octavo volume, instead of printing 16 pages in the sheet as we used to do, we can now obtain paper of twice the size, that is, double demy, and so print 32 pages in the same time that we used to print 16, so that we can print a book off, when it is ready for press, in half the time we used to do.

326. Then that discovery of Messrs. Fourdrinier's patent has enabled the public to be supplied with those cheap publications, which they could not have obtained without that discovery?—Certainly.

327. Can you state to the Committee what is the difference now in the price of paper from what it was before this machine was introduced?—I do not know the exact reduction, but it is very considerable.

328. Would you state as much as 60 per cent.?—I should think so.

329. Do you take into account the lowering the excise duty, or the simple value of the paper?—I think without the excise duty.

330. Mr. *Baines.*] Do you mean to state that paper that would cost 32*s.* before this invention would now cost not more than 20*s.*?—Yes, and the paper is better adapted for the purpose of printing.

331. How much of that reduction in price should you attribute to the improved machinery, and how much to the reduction in the price of the raw material from which the paper is made?—That I could not state accurately.

332. Do you know what a ream of paper by hand costs manufacturing?—No, I could not state that.

Mr. *Henry Fourdrinier*, again called in; and Examined.

Mr. *H. Fourdrinier.*

333. Sir *O. Mosley.*] IT has been stated in evidence that the introduction of your machine for making paper has had the effect of getting rid of combinations among the workmen; have any recent circumstances come to your knowledge in corroboration of that fact?—Yes, there have.

334. State what?—I have received some letters, which, with the permission of the Committee, I will read.

335. From whom?—From a number of paper-makers; Messrs. John and Henry Mathews, working three machines; Mr. John Dewdney, working two; Mr. Charles Mathews, working two machines; Mr. Richard Mathews, one; Messrs. R. & W. Dewdney, two; Messrs. Mathews & Chub, one; Messrs. Tremlet & Harris, one; and Messrs. Harris & Tremlet, two; in all 14 machines.

336. Where do they live?—All in the neighbourhood of Exeter.

337. Be so good as to read the letter?—"Exeter, 22d April 1837:—Gentlemen, We the undersigned, paper-makers by machinery, in the neighbourhood of Exeter, conceive it better to reply to you in a body than individually, in answer to the letter received by Messrs. John and Henry Matthews. In December last we experienced a turn-out of our men, who were all practical paper-makers, and members of their union, and which act suspended our works. The demands of the men were so improper and exorbitant that we were compelled to seek hands from other channels, and our mills are now in full work, having recruited our hands from agricultural labourers, carpenters and other artisans, which we are free to acknowledge we could not have done had we been working by manual labour, as formerly. However willing we may be to render you every assistance in

in our power, and yield you all the merit you deserve for perfecting the paper-machine, yet we regret to find that your application to the House of Commons aims at a renewal of your patent, the restrictions of which we conceive would greatly shackle trade, without rendering you the advantage you deserve; and should you persevere in that determination, we shall consider ourselves bound, in justice to our own interest, to oppose you upon that point; but as you have already a petition signed by us, as well as many other makers, to give you compensation, we sincerely hope that the House of Commons may be induced to remunerate you in that manner, rather than compel us to adopt steps that would be most unpleasant to our feelings. We are, gentlemen, your most obedient."

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[*Then follow the names which have been before mentioned.*]

Mr. *Cornelius Boyle*, called in; and Examined as follows:

Mr. *Cor. Boyle.*

338. *Chairman.*] WHAT situation do you hold?—I am a partner in the house of Williams, Cooper, Boyle & Co., wholesale stationers and paper-stainers; my immediate department is the paper-staining department.

339. Would you have the kindness to state to the Committee how far, in your opinion, Messrs. Fourdrinier have benefited that branch of the trade in which you are concerned?—I consider the benefit resulting from the use of long paper to us is very important indeed; without it, our manufacture never could have been brought to the state of perfection it has been brought.

340. Mr. *Baines.*] By long paper you mean paper made by the machine?—Twelve yards long, which is the length of our pieces of paper.

341. Sir *O. Mosley.*] That could not have been made by hand?—Certainly not; we can have them 1,000 reams long, if it were necessary.

342. *Chairman.*] Formerly you pasted them together, did you not?—Every piece formerly required 15 joints; that is, supposing us to have consumed 5,000 reams of paper in the year, that would have required more than 2,000,000 of joints, which are now entirely obviated; the labour connected with the joining department is saved, and the beauty of the fabric is enhanced in a very great degree.

343. Mr. *M. Philips.*] You mean to say, you would have had 15 joints in 12 yards of length formerly?—Yes, every piece of paper consisted of that quantity; at that period the laws of the excise required that it should consist of 16 sheets of certain dimensions, and we had, consequently, 15 joints to make in every piece, to connect the 16 sheets together.

344. Then are you restricted now at all by the excise in the length of the pieces of paper which are proposed for printing?—Now we are not; and within the last month permission has been granted to several paper-makers to make the pieces the length of our present papers, that is 30 times 12 yards long, if we choose to have them so; instead of having one sheet of 12 yards long, we are now permitted to have it 30 times 12.

345. Was the length of 12 yards a length peculiarly adapted for the purpose of paper-hanging, or was that fixed upon originally by the excise for any purposes of revenue?—It was fixed on at that time by the excise, in consequence of our paying at that period a duty of 1 *s.* 0 ¾ *d.* per piece; we were restricted not only in the length but in the breadth of it; now the excise duty has been removed from our manufactures altogether, and we are under none of those restrictions.

346. Mr. *Baines.*] I suppose if these excise restrictions had not existed at the time to which you allude, that is, before this invention, you could not have had your paper made of the size which it is now made, and which you describe as being so convenient for your manufacture?—We made several applications to the board of excise for permission to use Messrs. Fourdrinier's large paper, and they would not allow us to use it for many years.

347. What was the largest sheet it was possible to make by hand?—We were not permitted to use them; I cannot distinctly state the largest size that a sheet at that time could be made, but we were not permitted to use them more than 23 inches wide and 30 inches long; we were restricted to do so.

348. Turning your attention to the specific point, do you know what was the size of a sheet, the largest size that ever was so made by hand?—I never saw one made larger than that by hand. I consider the observation I made before was relevant, because we should have made use of the large paper years before we adopted it, if it had not been for the excise restrictions; Messrs. Fourdrinier's

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paper would have been available to our manufacture long before we made use of it, if we had not been restricted by the excise from its adoption. That conversation calls to my recollection our once adopting a sheet double the size of what we usually made for our manufacture by hand, but we found it impossible to use it, and therefore were obliged to abandon it, and continue the same sized sheet.

349. Mr. *M. Philips.*] What are the difficulties attaching to its use?—The difficulty of managing it, to lay the joints even; it required a process that was found so extremely troublesome, and produced a joining so very irregular, that we considered it better to continue the old system.

350. Sir *Oswald Mosley.*] You find none of that difficulty with the machine paper of the present day?—None.

351. Mr. *M. Philips.*] Was there a greater degree of waste in the manufacture of paper by hand, in the proportion to the total number of yards produced under the old system of the hand frame, as compared with the machine invented by Messrs. Fourdrinier?—In our manufactory?

352. In your manufactory?—Certainly greater.

353. A greater degree of waste in producing an equal quantity of saleable paper?—Every outside quire of elephant paper consisted of about 18 sheets of perfect paper, the rest were broken sheets, and of course there was half a quire of paper in every ream rendered useless in consequence of its being broken; now we have no broken sheets at all, for the paper-maker never sends us a sheet that is at all injured, so that we now have, perhaps, paper 12 yards long without any injury whatever.

354. You are not speaking, then, as a manufacturer?—No, as a consumer; I am speaking now of what was sent to us from the paper-maker.

355. *Chairman.*] In what way do you find this long paper, formed by this patent machine of Messrs. Fourdrinier, so much more desirable in your paper-staining trade?—Its uniformity of surface, the evenness of its edges, and the general beauty of its appearance; but we make use of machinery also for various purposes, and the old paper, the hand-made paper, was altogether inapplicable to the purposes of that machinery.

356. In what way do you find it altogether so beneficial?—In consequence of having no joints in it, its appearance on the walls is not broken by those ridges which always appeared 15 times in every piece, and had a very unsightly appearance.

357. Independent of that, is there a greater facility in the stamping; I suppose you stamp by a cylinder?—Of course the paper was double, and they never could be cut with that truth but what they would wrinkle; in the operation of working they would double, and the consequence was, that at each of those joints there were sometimes three and sometimes four thicknesses; the consequence was, the blocks when placed on them would not give a clear and perfect impression.

358. Do you print by blocks or cylinders?—Both; the cylindrical printing could not by possibility have been executed by the hand-made paper.

359. Mr. *M. Philips.*] Because the size of the sheet was not equal to the circumference of the cylinder?—Not only so, but it was impossible to join 16 sheets of paper together so that they would present a uniform even surface, as this does. [*Pointing to a sheet of paper.*] They were always wrinkled, in spite of all the pains we could take; they were always baggy, as we term it; and the consequence was, we never could get a piece of paper to pass through the cylinder at all; it would wrinkle, and therefore we never had an opportunity of making use of the cylinders; we had them, but we could not use them.

360. *Chairman.*] Your evidence has gone chiefly to show an improvement as to the beauty of the paper and the facility of doing it; but there is another point which you have not mentioned, upon which I wish to ask you a question, the quickness of doing it; are you not enabled, by having a cylinder now, and having, if you please, an endless piece of paper, to run it out of the cylinder much quicker?—Certainly, very much quicker.

361. Mr. *M. Philips.*] In fact, the patent of Messrs. Fourdrinier, I presume, has brought the printing of paper almost upon a par with the printing of calico or pieced goods?—Yes.

362. Mr. *Baines.*] As the paper was formerly manufactured, the edges were always rough, were they not?—Yes.

363. The paper made by hand?—Yes.

364. But now they are cut with an instrument, and are perfectly free from that objection?—Yes, they are; which to us is a very considerable annual saving.

365. Mr. *M. Philips.*] Did you formerly employ hands to cut the edges, even after making your purchase from the paper-manufacturer?—We employed persons to cut the paper.

366. By cutting the paper I understand you to mean cutting the edges?—Cutting the edges; ploughing it, as it is termed.

367. Have you discontinued that now, in consequence of the manufacturers being able to send it to you in a perfect state as regards the edges?—Yes, we have four or five machines for cutting, which are now entirely useless.

368. Mr. *Baines.*] Then by the hand-made paper you suffered two losses, as I understand you; one was, you were obliged to diminish the size of the sheet by cutting the edges; and the other was, that you diminished the size of the sheet by wrapping the edge of one piece of paper over the other?—Yes; the consequence was, we were obliged to pay for a much larger quantity of paper than was really necessary for our use.

369. You had two sources of waste, and now you have neither?—Yes; we have them made exactly the length required.

370. Mr. *M. Philips.*] Has not the great improvement introduced by Fourdrinier's patent enabled you to improve very materially the taste of the pattern which you now print?—We can print patterns of delicacy of figure that could not be printed upon the hand-made paper; its evenness and want of joining enable us to print fine and delicate subjects, which could not have been printed by the hand-made paper.

371. Were you not compelled formerly, in consequence of the difficulties which the numerous joints imposed upon you, to select a description of pattern which tended always to conceal those joints?—Unquestionably.

372. Which obstructions prevented entirely delicate patterns being produced with the same facility as upon the improved plan?—Certainly, we never attempted to introduce them.

373. Mr. *Baines.*] What difference is there in the price of paper as printed upon this large paper, and as printed in the small form; does it make any difference to the advantage of the consumer?—A very considerable difference; we can now purchase papers which we paid 31*s.* or 32*s.* per ream for by the hand-made papers; we can now purchase them at 20*s.* per ream. In the hand-made paper half a quire in every ream was damaged in consequence of the broken sheets, and in the long paper not any damaged or broken.

374. Then you can purchase the paper at a lower rate, in the proportion you mentioned, and you can print it with less expense, than when you had to join them together in the way you explained?—Exactly.

375. So that there are two advantages; the one is, that the paper is obtained by the paper-stainer at a cheaper rate, and the other is, that he can manufacture the pattern, and bring it into the market at a cheaper rate also, from the operation which he himself has to perform upon it?—Certainly.

376. Mr. *M. Philips.*] To what extent have you been able to diminish the price of paper per ream to the consumer since the adoption of Fourdrinier's patent, as compared with the old frame-made paper?—Papers are cheap enough now; they are very much reduced indeed; they are cheaper, certainly.

377. *Chairman.*] Besides the other advantages which are mentioned, of a lower rate of price in the purchase and the saving of material, there is also, I think, another advantage to which you have not alluded, which is, that it enables you to get a more perfect and a more beautiful pattern?—Yes, I press that very strongly.

378. Did you sign a petition to the House of Commons, in which you recommended remuneration to be given to Messrs. Fourdrinier?—Our house did so.

397. Mr. *Baines.*] There is a species of work in your manufacture, I believe, which is called panel work?—Yes.

380. By the paper being wider as well as longer, are you enabled to bring that kind of work to much greater perfection than you could have done with

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smaller paper?—We have never used paper wider than the smaller paper which we originally made, the hand paper; our blocks have all been adapted to that particular size; we had not the opportunity of using it, but we can have it made double the width we propose, if we were to desire it.

381. And are there any manufacturers who do print the paper wider than that which you print?—I believe not in England, not in this country.

382. Mr. *M. Philips.*] Do you confine yourself to the same width of paper when you print by the cylinder?—Yes, we do.

383. Sir *Oswald Mosley.*] Supposing you had not old blocks in sufficient number now by you, but were to make new ones again, there would be no difficulty in your printing paper of any dimensions?—No, the expense would be so much increased by the increased size of the blocks, that it would render the paper utterly unsaleable; in consequence of that circumstance, we confine ourselves to the accustomed width.

Mr. *Henry Barron*, called in; and Examined.

Mr. *H. Barron*

384. *Chairman.*] IN what trade are you?—I am a paper-stainer and paper-hanger.

385. Would you have the kindness to state to the Committee whether or not you have reaped any benefits from this discovery of Messrs. Fourdrinier?—My evidence would be so very like that of the last witness; I accord in every thing he has said, and his experience is so much greater than my own.

386. Then you have heard his evidence, and entirely coincide with him in every point?—Yes.

387. Is there any addition which you would wish to make?—I think not any; there is perhaps one remark I might be allowed to make; I have seen in another business the great disadvantage which has arisen from the paper not being large enough; I was seven years engaged in a large ruling manufactory; the gentleman, in fact, who I believe first introduced ruling by machinery in this country, and frequently when we had occasion to have large papers ruled it was very troublesome; the pens of the machine would catch; the paper passed under pens, and at every joint it was awkward to cut, and was obliged to be lifted up.

388. And now there is no difficulty?—No difficulty at all; it is not an every day case, because the account books are made of set sizes, and those were cases when they were not.

389. Mr. *Baines.*] Then I understand you to say, when you had occasion to make a book of a larger size than the sheet which had been made by hand would allow, you then had joints in the sheet, and the consequence was that the pens would not work freely on the sheet, but impede your work, and made bad work?—Decidedly.

390. Now that inconvenience is not experienced, because, the sheet being of sufficient size, you have no joints in that sheet, and consequently your pens work freely, and enable you to do your work well?—Decidedly; I do not mention this as an every-day case; it frequently happens; I remember an order from Scotland coming back in consequence.

391. Mr. *M. Philips.*] You were connected with that branch of business after the introduction of Messrs. Fourdrinier's patent, were you not?—No, I was not; but I am sure it would answer.

392. Does it come within the range of your own knowledge and observation that, since the introduction of Fourdrinier's patent, books have been made with the greatest facility, of any size that may be required, ruled?—I can speak of no individual case; I am sure it would be so, from a knowledge previously.

393. As regards your experience in connexion with the paper-staining business, can you state to this Committee, that since the introduction of Fourdrinier's patent, there have been fewer flaws and imperfections in the paper of which you have made use, than there were previous to the introduction of that patent into the trade?—I am quite sure of it; I have succeeded to a business of 50 years' standing, consequently we have a good deal of old stock with joints at intervals of 16 sheets in a piece, that is to say, 15 joints. The imperfections in any given quantity would be very materially less.

394. Sir *Oswald Mosley.*] Less in the machine-paper, I presume, than they would in the hand-paper?—Yes; the paper formerly in single sheets was not near so perfect as a present piece of 12 yards; there was a variation in colour.

395. And

395. And also in texture?—Yes, unquestionably, of thickness. Mr. *H. Barron.*

396. Greater uniformity of quality and texture?—Much more; in a crimson colour it would make a much greater variety of colour in a piece of 12 yards. 12 May 1837.

Mr. *John Hendley Sheridan*, called in; and Examined.

397. *Chairman.*] WHAT branch of manufacture are you engaged in?—I am a retired manufacturer. Mr. *J. H. Sheridan.*

398. You reside in the neighbourhood of the Staffordshire Potteries?—Yes, I was 20 years a manufacturer, and have been 15 years retired; I live in the immediate neighbourhood, and am conversant with manufactures as usual.

399. Will you state to the Committee whether or not, in your experience, any benefit has been derived to the Potteries from the introduction of this patent of Messrs. Fourdrinier?—Most undoubtedly, a considerable benefit.

400. In what way?—In the quality of the paper in the first place, and in the reduction of price in the second, and the great facility of improving the printing, which is only commencing.

401. Sir *Oswald Mosley.*] Does your answer apply to the Pottery tissue paper?—To the Pottery tissue paper.

402. *Chairman.*] There is a new machine invented by Messrs Machin & Potts; could this machine, which I believe is likely to be very important in its results, be brought into operation, if the paper was not manufactured by machine?—I should think not.

403. Will you state the reason why?—The printing of Machin & Potts is by cylinder, and consequently it requires a long paper; the paper made by hand could not answer that purpose; that being put between the rollers would be attended with inconvenience; the inconvenience would be so great with the short paper, that it would not, I think, answer the purpose at all.

404. Mr. Alderman *Copeland.*] Is not the paper manufactured by this machine very superior in quality to that made by hand?—Yes.

405. And, for the purpose of pottery use, it does not occasion any thing like the loss to the workman and the manufacturer?—The loss of the paper made by hand is more considerable.

406. Is this Pottery tissue paper applied to any different purpose of printing, to which it has not been used to be applied?—Yes.

407. Will you describe to the Committee the difference?—Had the invention of Machin & Potts not taken place, the size of the paper would be a considerable saving to the manufacturer, in consequence of his being able to cut it into any size he may want to use it for, to suit the size of the copperplate, which is a great saving; for instance, we were used to have a sheet perhaps of this size, [*pointing to a sheet of paper on the table,*] when we cut off a fourth of it; now we can have it just to fit the copperplate.

408. *Chairman.*] Is there any other information which you would wish to give to the Committee upon this subject?—I consider, as the four principal points, the quality of the paper; the price being less; the saving of paper, adapting it to the plates; and the great improvement which I alluded to, which, I think, is only in its infancy.

409. Sir *Oswald Mosley.*] Owing to the greater smoothness of the paper, the pattern may be more delicate?—Finer than ever used before, and better executed.

410. Mr. *Baines.*] I suppose there is some branch of the business that is at present performed, with respect to this paper, in the fine department, that could not have been performed at all?—I should think, very indifferently; I have been out of business myself some years; the fabric has been very much improved since my time, but living in the neighbourhood, I see the improvements going on, and am of opinion it could not be made so good by hand, decidedly not.

411. Then it enables the English manufacturer to compete more successfully with foreign markets in that branch of business?—Yes.

412. Does it cheapen the labour at all?—The cylinder printing would lower the price.

413. The cylinder printing would not have been applicable to the hand-made paper, but is only applicable to the machine-made paper?—Certainly; there are other difficulties which might be enumerated; that is, when you print by cylinders, if the workmen were to turn out, you might do without them; but you could not do without them, printing by blocks.

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414. You could not do without the workmen, if you printed by blocks?—If we printed by blocks, we could not do without them; but in manufactories where they employ 20 or 30 men, if they were to turn out, the printing must stand still; but with the cylinders they could do without them, because any one could pass the paper.

415. And the cylinders could not have been at all applicable without the long paper?—Most decidedly.

Mr. *George Virtue*, called in; and Examined.

Mr. *Geo. Virtue.*

416. *Chairman.*] WHAT is your business?—A bookseller.

417. Would you have the goodness to state to the Committee your impression as to the benefits arising from this paper manufactured by Fourdrinier's patent?—The paper that I used to pay 20*s.* a ream for some years back I can now purchase at 17*s.* or 18*s.* a ream.

418. Not more difference than that?—No, I do not think there is more; within the last 10 years I am speaking.

419. What kind of paper is that?—Printing demy.

420. But within the last 20 years?—I have not been 20 years in business.

421. Mr. *M. Philips.*] Do you suppose that diminution in the cost of paper to arise more from the diminution in the cost of the raw material of which it is made, rags, &c., than to arise from the improvement of the machinery by which it is produced?—I should rather think the material has had some effect; but I was always led to believe it was principally owing to the machinery.

422. You cannot speak positively as to those facts?—No; my reason for believing that is, that I have bought paper from makers who had no machines, and afterwards those who had machines offered me samples, and the others could not compete with them; and for the last seven or eight years I have been obliged to have it all from those who had machines; they were not able to offer the paper at the price.

423. *Chairman.*] Was that difference in the value of the paper equivalent to the difference between 17*s.* and 20*s.*?—Yes.

424. Then, in fact, your conclusion is, that the whole depreciation in the value arises from Foundrinier's machine?—Principally.

425. Sir *Oswald Mosley.*] Is the texture of the paper you now buy, made by the machine, of a better quality?—Yes; the machine paper is more regular than the hand-made paper. I use demy, and a considerable quantity of the plate paper for printing copperplates.

426. *Chairman.*] That is much better, never having knots, is it not?—The hand-made paper was never equal to what we now have produced by the machine.

427. Mr. Alderman *Copeland.*] Do you obtain that at a corresponding reduction of price?—Yes, at a saving of 20*s.* or 25*s.* per cent.

428. Are there not some manufacturers of paper, who, from their connexion and standing in the trade, obtain a much larger price for their paper than other manufacturers?—On account of the better quality of it.

429. No, merely from their name?—Dickinson's name always produces more.

430. *Chairman.*] You have stated that paper for copperplate printing is better by machine than what you used to get; did you not formerly get your fine paper for copperplate from abroad?—Not that I am aware of.

431. Not within the last 10 years?—I never bought any other but India paper.

432. Sir *Oswald Mosley.*] In case you had orders to publish a work in a short time, could you not do so with greater facility, in consequence of making use of the paper made by machine?—Yes, from its being so much sooner produced; we should have had to wait a considerable time before it could be made formerly; now, in giving the order, we can depend upon the paper in less than a week; it would be made and delivered in London within a week.

433. Then, in the publication of works of importance, this invention has been of great use?—Very great, and enables us to give more for the money to the public, nearly one-fourth more.

434. And the public are benefited much?—At that rate we gave three sheets for a shilling, and now we give four.

435. Mr.

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435. Mr. *Baines.*] You have spoken, I think, of the difference in the price within 10 years, have you not?—Somewhere about that time, probably a little more.

436. How long is it since Fourdrinier's machine was first in operation?—I do not know, but before that time; I believe when I said 10 years it was without sufficient consideration; I have been 18 years in business, therefore it may apply to 15 more than to 10.

437. Do you happen to know whether the machine-made paper has come more generally into use within the last 10 years?—From my own knowledge I do not think there is any hand-made paper used in our business at all.

438. Then your answer will be that it has?—Yes, it is become more introduced.

439. *Chairman.*] Except Whatman's, there is very little hand-made paper used, I believe?—I believe so.

Mr. *William Day*, called in; and Examined.

Mr. *Wm. Day.*

440. *Chairman.*] WHAT business are you in?—I am a copperplate and lithographic printer.

441. Will you state to the Committee the benefits arising from the use of this machine paper?—When I first began business about 12 years ago, I began with using the hand-made paper; it answered very well for small works; we print by a scraper; where the scraper passed over the whole of the paper it did very well; if we had to print a small subject in the centre of a large sheet of paper, it caused the paper to stretch so much in the centre, that after it was hot-pressed the impression was spoiled, because there was a seam came across the centre of the print; the consequence was, we had either to leave the work in an unfinished state, in order to avoid spoiling the print, or have it spoiled by the hot-pressing, in consequence of the stretching of the paper; we then abandoned the hand-made paper, having the machine paper introduced to us, and we found that effect did not take place, that the paper did not stretch; so that if there was a pile of 200 or 300 prints, they lay as flat as a pack of cards, that is, before they were hot-pressed; we did not know the reason of it, but finding the advantage of the machine paper, we never afterwards used any hand-made paper; besides that, the machine paper was cheaper, the surface of it was more beautiful, more uniform and fine; it had a more uniform surface, and we could print a subject of any size, whether small or large, on a large sheet of paper without spoiling it; the printing became more pure, and the print more beautiful.

442. Mr. *Baines.*] I understand you to say, that the hand-made paper expands and contracts a great deal more than the machine-made paper, and the consequence of that expansion and contraction is, that your impression, when you came to hot-press your plate, was injured by the contraction, and it was brought so as to have a seam across the print?—I do not think it contracted so much; it did not go back, it formed a bag in the centre of the print, which could not be got back again; it never could be got rid of; it was utterly spoiled, and could not be looked at by any body.

443. *Chairman.*] Then hand-made paper stretches, and machine-made paper does not?—Yes; it is the process of passing originally over the cylinder and stretching the machine paper prevents its afterwards stretching; the machine paper goes through the process of stretching in the making, which the other does not; besides, the surface of the machine paper is very smooth; it approaches nearer to India paper, which is a desideratum in copperplate printing.

444. Then the result is, you can make a great deal better work with the machine-made paper than the hand-made paper?—Decidedly so; though the hand-made paper is much dearer to buy, I would not take it at half the price, if it was offered.

445. The machine-made paper is both cheaper and better for your purpose?—Yes.

446. Do you find any other benefits arising from the machine-made paper?—Altogether the work is turned out much nicer on plate paper; I think every one must notice the neatness with which all publications are turned out now, and I think it arises principally from the machine paper. If you notice the French publications, they are all distorted and rough; there is not that flatness and compactness about them which there are in English books and pamphlets of all kinds.

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447. Mr. *Baines.*] Formerly, I believe, in Germany, they produced a great deal better work, did they not, than is produced in this country in that department of the business which you are engaged in; but now I understand the English have attained a perfection quite equal to any done in Germany?—I think the Germans take a great deal more pains with the works they do than any other country; we must give the Germans that credit; in every thing we see there is a decided superiority, not in point of art, but in the care in the general getting up of their works; they seem to have more hands, or more time to devote to the getting up their works than any where else. We do a good deal of work which is sent to Paris. I think we are able to produce in England any thing quite equal to either France or Germany in the fine arts.

448. Sir *Oswald Mosley.*] Do you export more works than you used to do?—It is only within a few years we have been employed to send works to France; it is because we have brought the lithographic art to an equal state of perfection with any part of the continent, either Germany or France.

449. Mr. *Baines.*] And you think the use of the machine-made paper has contributed to that effect?—Very much so; one great advantage in machine-paper is in printing very large plans; the expense of the paper would have been enormous by hand-made paper; in fact, I do not think it could have been done; now we can get paper of any size equally cheap as we could to a small size; it facilitates the printing very much, because we can, in a hurry, print it quite dry; the surface of the paper being smooth, we can avoid the damping, which is a slow process, and print a work, however large, on dry paper; latterly there has been a great deal of hurried work in railroads and Government works, which had to be done in very short time, but it was of great advantage to get paper that would suit it. I have seen lately half as much paper as would fill this room for one railroad, very large paper, paper that could not be bought ready made in the trade; now we get the plans, and make the paper immediately; formerly we could not.

450. Sir *Oswald Mosley.*] Do you apprehend, considering the whole of the subject, that Messrs. Fourdrinier are entitled to compensation for this valuable invention?—I think they are; I consider they have done a great service to the country; there is a vast deal of work which I cannot imagine how it could have been done without their patent.

Mr. *James Wylde*, called in; and Examined.

Mr. *James Wylde.*

451. *Chairman.*] WHAT is your profession?—Geographer and map publisher.

452. Will you state to the Committee whether or not you have reaped any benefit in your profession from this invention?—I certainly think, individually, as a member of the profession, I have received very great benefit from the introduction of this paper, from two causes; the first is, I have been able to procure paper of a very large size, and my house having been established about 150 years, we have, of course, plates of different sizes; if we had to print them now, we should print them upon one plate instead of two plates; formerly we were compelled to prescribe the limits of our maps to the size of the paper; and as they were only certain sizes, as the columbia, atlas and double elephant, and one or two other sizes, we were always compelled to make our plates of those sizes; the consequence was, when we had a very large plate to do, we were obliged to make it in three or four divisions, and by so doing there was this disadvantage—you have seen the public maps, which have been joined; however careful the workman may be in printing it off and in joining it, there is that unequal joinage in all papers, that the impression has not that unique and beautiful appearance which is produced upon one single sheet; and there is also this advantage, a great saving of money in the payment of wages, the workman not receiving so much for the working off one very large sheet as he would two sheets which make the same superficial extent; there is another advantage also, which is the great beauty of the impression, owing to the smoothness of the paper.

453. And the regularity of the texture?—Yes, I have brought some maps down; this map (*pointing to one produced by the Witness*) was before the introduction of the machine paper; this (*pointing to another map*) is a map lately published, and printed upon the machine-made paper; there was always a blurred appearance in the impression of the hand-made paper; there are small fine lines in the engraving, which when printed on the hand-made paper there is

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is a speculated extension on the surface, the ink is extended over the surface, and that gives a coarse appearance to the impression; in passing through the press, the machine paper being of that peculiar yielding texture, it receives the ink, and the fine line is accurately impressed, whereas from the hard texture of the hand-made paper the ink is spread over the surface. I was going to say, formerly, if we wished to obtain a very fine impression, not being able to obtain it on the common hand-made paper, we were obliged to have recourse to what is called plate paper; the consequence was, we could obtain a very good impression, but it was not colourable; it would not well receive the colour, and if it was intended to receive colour, we were either obliged to size over the parts that were to be coloured, or colour them without sizing, and in that case, as I dare say you have seen in the German maps, there is an ugly appearance, as the solid part of the colouring remains on the surface, and the liquid penetrates through to the back, whereas in the machine-made paper we can colour on the surface, and it does not sink through. In the map before you there is a fine specimen of ruling, as fine as it can be made; it is necessary this map should be coloured.

454. Sir *Oswald Mosley.*] Could you print such a plan as is now exhibited upon any other paper than machine-paper?—Not without incurring a very considerable expense.

455. In what proportion would be the extra expense so incurred?—At least one-third more.

456. Would it be equal, after that expense had been incurred, to what it is now upon the machine paper?—Certainly not; because we should then have to print it upon plate paper; to colour upon the plate paper we must cover each individual line with size, and that would never do so well as it does at the present moment. There is one other point I should wish to mention, with respect to the extended size of the paper; formerly, when we wished to have a map made of a larger size than the existing sized paper, the hand-made paper, we were compelled to go to the expense of having a mould made, and this mould cost 50 *l.* or 60 *l.*, and the price of that mould, superadded to the prime cost of the engraving, of course compelled us to charge the public an advanced price, which they now save by the machine-made paper.

457. *Chairman.*] I think, to analyze your evidence, it comes to this, that the advantages arising to your profession are threefold; first, from the larger size of the paper; next, the saving of wages and expenses; and, thirdly, the increased beauty of the impression?—Certainly; we now engrave and print for foreign markets.

458. Sir *Oswald Mosley.*] In fact, those very markets which you were obliged to have recourse to for the printing your fine engravings, now come here?—Yes, they come here now.

459. *Chairman.*] In fact, instead of going abroad to get your maps as you used to do, the Dutch can now come to you?—Certainly.

460. Is there any export duty upon these?—None; we formerly used to obtain a drawback upon the paper.

461. There is no export duty upon those from this country?—None.

Luke G. Hansard, Esq., called in; and further Examined.

Luke G. Hansard, Esq.

462. Mr. Alderman *Copeland.*] DID your firm, as Printers to the House of Commons, formerly supply the paper for the printing?—Yes, we did, till within the last four years, when Government took it into their own hands.

463. Do you remember the period of the introduction of the machine paper?—Perfectly well; we were at that time, of course, constrained to use, for the purpose of Parliamentary Printing, the hand-made paper, and of a small size, and likewise of a writing description, as there was none of that description ever made for printing purposes; consequently it was much more expensive than what is usually used for printing purposes.

464. Did the Government derive an advantage from the improvement in the manufacture?—Yes, they did certainly from that circumstance; as we were obliged to use an expensive description of manufacture, as well as a small size, it was not possible to carry on that portion of the printing with the same

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economy as even the description of book-work printing; but when the machine paper was introduced, there became no difficulty in providing paper of any given size, as well as the quality suited for printing purposes; we then pressed upon the wholesale stationers the necessity of departing from the constant practice of making a writing paper, and procuring a machine-made paper of the description fitted for printing purposes; the consequence was, the prices were rapidly decreased, and from the prices which I remember at that period we used to pay for hand-made paper, to the amount of, I think, 32*s.* a ream, we effected a reduction, while it was under our direction, to the average of about 18*s.* or 20*s.* a ream; and since that time the reduction has been still more considerable by the operation of competition, which the Government have introduced in the mode of supplying that description of paper, and which, I presume, to a certain extent, would have been impracticable but for the mode of manufacturing the paper by machine; for the supply could not, I apprehend, have been produced sufficient for the purpose; the other advantage derived from the introduction of the machine-made paper is, that which has been already frequently mentioned to the Committee,—from the ability of printing on a larger surface, by which a greater quantity is printed at one operation, and greater economy produced. I think, from these circumstances it must be evident that the Government has derived advantage during the time we had the management under our direction, and up to the present time, to as full extent, as consumers, as the public.

465. Mr. *Baines.*] What is the size of the largest sheet on which you now print?—A large double foolscap, somewhat larger than royal in one way, but not quite so large in the other.

466. But that could have been made by hand?—Yes, but still not so economical, because the workmen always opposed the making of large paper; I speak under correction, but I believe it was an advantage to them in making the small size, and the workmen considered if they make two small sizes in a large size, though they might not perhaps have double wages, they had a certain benefit conferred on them for that purpose; therefore, though a considerable quantity was made under our direction of the printing paper of the double size, yet it was not to that full advantage which the public derived from manufacturing it by machines.

467. But still you had not occasion to print on a small paper for want of a large one, even at the time it was made by hand, because you could have had a paper double the size of which you speak made by hand, though not so economical as that made by the machine?—Undoubtedly it was so; but then the number of mills which were employed in making that double-made paper were not sufficiently extensive to supply the demand to a sufficient advantage. When the machines were introduced, then the facility of manufacturing the larger description of paper brought it into the market even to such an extent that even the hand-made paper became subject to reductions, but at the same time it was not so suitable for the purposes of printing.

468. Then if Government should think proper to make Mr. Fourdrinier a handsome compensation for the loss he has sustained through the medium of this machine of his having passed into other hands, as he thinks disadvantageously, they would still be great gainers by the advantage which Government itself has derived; independently of the great advantage which the country has derived, they would be greatly advantaged by the transaction?—I am clearly of that opinion, separating the Government as consumers in contradistinction to being the public, putting them in the same position as individual consumers; as a Government, they have derived considerable advantage.

469. We have heard that all the printers in the country, that all the letter-press printers, that all the copperplate printers in the country, that all those who print on the principle of the cylinder printers and the map printers, that they are all deriving great advantage from this invention, and, in addition to this, Government itself is participating to a great extent in the advantage?—It does appear to me that that is a correct statement.

470. *Chairman.*] To what extent would you say the Government benefit?—I am not able to form a correct calculation; our consumption was about 20,000 reams; therefore, on the calculation of that, they must have saved, as far as we are concerned, nearly 50 per cent. upon that consumption; above 50 per cent. on a low average.

471. Mr. *Baines.*] Twenty thousand reams a year?—Yes.

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472. At how much a ream?—I think the saving must have been from about 10*s.* to 16*s.* a ream; but you might fairly take the average at 10*s.* a ream.

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473. And that is exclusive of other departments?—Unquestionably; I speak only of that department to which our duties were applied.

474. Sir *Oswald Mosley.*] What is the largest number of reams you ever had an order for at one time; can you recollect?—I cannot state it in that way, because we have seldom given orders for large quantities suddenly at a time; we procured the supply in the autumn for the use of the ensuing session; I can only speak of the general supply for the year.

475. Have you mentioned the number of reams a year?—Yes, I have.

Mr. Alderman *Copeland,* a Member of the Committee, Examined.

476. *Chairman.*] WOULD you have the kindness to state to the Committee your opinion on this subject?—I have been so few years a practical potter, that my evidence will not be of much consequence; but my experience is such, that having paid very serious attention in the last two years, more particularly to the printing and using this machine paper, which we purchased of Mr. Fourdrinier, for the purpose of printing our work, commonly called Pottery tissue paper, upon comparing it, and more particularly within the last few weeks, we have been induced to try our old copperplates, which were engraved a great many years ago, and from those old copperplates we have been able to get out on the tissue paper the very fine lines of the engraving, which, upon looking into the old patterns which are by us, we find were quite indistinct in the engraving, and that the copperplate would not deliver its pattern upon the old paper in the perfect manner that it does through the medium of the present tissue paper; in fact, on looking more particularly into the copperplates which have been engraved by my predecessors, my father and Mr. Spode, and by Mr. Spode and his father, which extends over a period very little short of 70 years, I believe I am in possession of every pattern, and therefore we have the means of comparing the earthenware made now with the hand-made paper and with the present paper, and the superiority is extraordinary; doubtless there are very great improvements made in engraving and the colouring, but still the uneven surface which appears to me to exist in the old paper, with little dots or knots (which have been described, and for which there is a particular phrase) upon the surface of the paper, appear to me to take up the colour from the plate under the old system, and then would not deliver it on the earthenware, so that the pattern is indistinct and broken; whereas that is not the case now with the tissue paper, and the saving to me, (I have never used any of the old paper in my time, but if I may judge from reference to books, and also conversation with workmen and our foreman), the saving to the workman and the master, and consequently to the public, is very great, by using this paper rather than by using the old paper; and, as has been justly observed by Mr. Sheridan, there is a vast deal of economy in having paper made to the particular size, and made of such a width as may be required: suppose, for instance, that a piece of paper of this size was required for the purpose of printing a large plate, the result would be, that a great portion of the paper would be lost; therefore, in having the paper now made to the size we require, there is a vast deal of economy.

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477. Mr. *Baines.*] And much of this advantage you suppose to be derived from this invention of Messrs Fourdrinier?—Decidedly so.

478. Sir *Oswald Mosley.*] And the whole of the advantage of the finer impressions being taken?—Yes, in fact, if I had thought of it, I would have brought some of the pieces of earthenware down with me, which would have shown at once the great superiority.

479. *Chairman.*] The benefit then to the Potteries has been very considerable?—Very great indeed.

480. And the patterns now are likely to be more beautiful both from the old plates and the new system?—Yes; in fact I have myself patterns which were made 20 or 25 years ago, and from seeing the beautiful manner in which we are able to print them now, I shall introduce them again.

Mr. *Henry Fourdrinier*, again called in; and Examined.

Mr. *H. Fourdrinier.*

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481. Sir *Oswald Mosley.*] CAN you tell the number of machines at work in any given number of mills in the United Kingdom?—I can.

482. Have you made an estimate of what ought to have been paid you upon those machines, supposing your patent still to have been in existence?—I have.

483. Is that estimate contained in the paper which you now hold in your hand?—Yes.

484. Please to put it in?

[*The Witness handed in the following Document.*]

	Vats,
There are 120 mills at work, with 1 machine, doing 5 vats' work -	- 600
There are 36 mills, 2 machines; 5 each machine, 10 vats' work -	- 360
There are 5 mills, 3 machines each, 5 vats, 15 ditto - - -	- 75
There are 4 mills, 4 machines each, 5 vats, 20 ditto - - -	- 80
There is 1 mill, 6 machines each, 4¼ vats, 25 ditto - - -	- 25
There are 2 mills, 7 machines each, 4¼ vats, 30 ditto - - -	- 60
TOTAL - 168 mills - - - - -	1,200 vats.

	£.	s.	d.	
Each mill, with 1 machine, does 5 vats' work, when worked by hand; cost, 6*l.* each vat per week, say 30*l.*; that in 52 weeks gives - - - - - -	1,560	–	–	Our dues would be £.370.
5 vats, worked by a machine, cost 18*s.* per week, is 4*l.* 10*s.*; that in 52 weeks gives - - - -	234	–	–	
£.	1,326	–	–	
Each mill, with 2 machines does 10 vats' work when worked by hand, 6*l.* per vat, 60*l.*, 52 weeks - -	3,120	–	–	Our dues will be £.700.
10 vats, at 18*s.* is 9*l.*; 52 weeks - - - -	468	–	–	
£.	2,652	–	–	
Each mill, with 3 machines, does 15 vats' work when worked by hand, 6*l.* per vat, 90*l.* - - - -	4,680	–	–	Our dues will be £.1,050.
10 vats, by machine, at 18*s.*, 13*l.* 10*s.* - - -	702	–	–	
£.	5,382	–	–	
Each mill, with 4 machines, does 20 vats' work when worked by hand, at 6*l.*, 120*l.* - - - - -	6,240	–	–	Our dues will be £.1,400.
20 vats by machine, at 18*s.*, 18*l.* - - - -	936	–	–	
£.	5,304	–	–	
Each mill, with 6 machines, does 25 vats' work when worked by hand, at 6*l.*, 150*l.* - - - - -	7,800	–	–	Our dues will be £.1,750.
25 vats, by machine, at 18*s.*, 22*l.* 10*s.* - - -	1,170	–	–	
£.	6,630	–	–	
Each mill, with 7 machines, does 30 vats' work, when worked by hand, at 6*l.*, 180*l.* - - -	9,360	–	–	Our dues will be £.2,100.
30 vats, by machine, at 18*s.*, 27*l.* - - - -	1,404	–	–	
£.	7,956	–	–	

485. Do you know how many machines were at work on the expiration of the patent?—I do.

486. Will you state the number?—Forty-two machines, paying the dues of 132 vats.

487. Is that statement contained in the other paper which you have now in your hand?—Yes.

488. Please

488. Please to put it in?

[*The Witness handed in the following Paper.*]

DATE of LICENSE.	TO WHOM GRANTED.	WHERE ERECTED.	No. Vats.
20 May 1807	Eliz. and James Swan	Evesham, Oxon	10
4 Nov. „	Barn. Sullivan	Cork	3
1 July „	Lewis Smith	Aberdeen	10
1 July „	J. B. Sullivan	Cork	10
1 July „	- - - - - - -	Blarney	3
1 July „	John Phipps	Dover	10
1 July „	E. Martindale	Cambridge	3
1 July „	Bacon Novino	Norwich	4
1 July „	Rd. Elliott	Chesham	2
1 July „	Wrightons & Co.	Warwick	3
1 July „	Wright & Pepper	Marlow	3
1 July „	Ibbotson & East	Colnbrook	3
1 July „	John Buttenshaw	- - - -	2
			66
14 July 1816	James & John Livesey	Prestolee, near Bolton	3
20 July „	John Livesey	- - - -	3
25 Jan. 1817	Binning Arnold	Kingsland-road	2
28 Aug. „	James & Francis Wrigley	Bridge Hall, Bury	2
1 Nov. „	Smith & Rhedde	Newcastle-under-Lyne	2
29 Dec. „	James Martin	Wood Mills, Leeds	2
3 Jan. 1818	Nelsons	Retford, Notts	2
20 Feb. „	J. & T. Crompton	Farnworth, near Bolton.	3
14 March „	- - - - - - -	- - - -	2
25 Feb. 1821	- - - - - - -	- - - -	2
25 July 1818	Smith & Ingle	Thoostleness	3
14 Aug. „	N. Grace & Co.	Llotwove Mill, Newcastle.	3
14 Aug. „	Abr. Smith	Langley, near Durham	2
16 Nov. „	John Ibbotson	White Hall, near Manchester.	3
3 Nov. 1819	Charles Venables	Hampton Guy, near Woodstock.	2
11 Nov. „	James Pegg	Wooburn, Bucks	3
5 Nov. „	Joseph Wright	Marlow	2
5 Nov. „	- ditto	- ditto	2
30 Nov. „	P. J. Fromow	Clapton, near Wooburn, Bucks.	2
30 Nov. „	J. Allnutt	Chesham, Bucks	2
5 June 1820	E. Wright	Thorney, Bucks	2
5 June „	Flint & Tregent	Littleton, Evesham	2
15 July „	J. C. Radway	Quimmington, Fairford	2
22 Feb. 1821	William Hill	Greenfield, Holywell	3
28 June „	Grafton & Co.	Birmingham	2
25 July „	T. Tempest	Little Eaton, Derby	2
3 Nov. „	William Truer	Coosbean, Cornwall	2
16 Feb. 1822	John Pyne	Tovil	2
2 May „	George Payne	Choriton, Dover	2
			66

489. Have you another statement of the number of machines now at work in the United Kingdom?—I have.

490. What is the number?—Two hundred and seventy-nine, each machine doing the work of five vats.

491. Equal to how many vats?—Equal, in the whole, to 1,395 vats.

492. Have you received any letters from manufacturers and consumers, showing the advantage of your machine to the country?—Yes.

493. Have you received any, showing the great increase to the revenue?—Yes; I have one from Messrs. Hilton, of Darwen Mills, near Blackburn, Lancashire, which I will read:—"February 19th, 1834. Mr. Henry Fourdrinier, Sir,—In reply to your communication of the 17th inst. now before us, we beg to

Mr. *H. Fourdrinier.*

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to inform you, agreeable with your request, that the amount of duty which we paid for a six weeks' sitting in the year 1828, when our concern was working upon hand-machines, was under 100*l.* (one hundred pounds), and that it is now upwards of 3,000*l.* (three thousand pounds); and though we cannot in justice attribute the extension on our part by any means solely, or even principally, but to the improvement in the paper-machine, and we have no hesitation in saying, that without such a machine the extension could not have been so rapid, or perhaps at all practicable, and that by its means there is unquestionably a great saving effected, a better paper produced, and one more applicable to the general interests of the printers, than ever could have been done by hand. We remain, Sir, yours most respectfully, *C. H.* & *E. Hilton.*"

494. Have you any other letter?—I have another from Mr. John Livesey, of Springfield Mills, near Bolton:—"19 February 1834. My dear Sir, I take the first opportunity of replying to your favour of the 17th inst., and shall be most happy to afford you all the information that lays in my power, in order that you may obtain that remuneration for which you are so justly entitled to. I believe that it was solely through your *perseverance* that the paper machine was brought to perfection, and I am positive that had there been no intention of making paper by machinery, that at this period there would not have been two-thirds of the duty paid that is at present paid. As regards my own concern, we paid only about 3,000*l.* per annum before we introduced your *machinery*; since then, we have paid upwards of 12,000*l.* per annum in *duties*, and that for a many years back. Another great advantage derived is, that we can now make paper of any size for the purpose of packing goods with, whereas formerly they had to substitute *calicoes* and *wrappering*; and the duties paid upon these *extra-sized papers* must be productive of an immense revenue to the Government. If you will inform me when your petition is ready to be presented to the House of Commons, I will then write to both our borough Members to give it their best support. I remain, dear Sir, yours most truly, *John Livesey.*"

495. Both these letters prove the advantage of this machine?—Yes, the increased duty; I have four other letters.

496. Please to hand them in?—The first is a letter from Messrs. Davenport.

	1814.	1822.	1833.
"Demy pottery tissue - - -	11*s.* 6*d.*	9*s.*	7*s.*
Large plate - - - -	19*s.*	15*s.*	10*s.* 3*d.*
Royal - - - - -	16*d.* 3*d.*	12*s.*	8*s.* 9*d.*
Large Royal - - - -	19*s.*	15*s.*	10*s.* 3*d.*

Longport, 8th February 1834. Messrs. Fourdrinier, Gentlemen, Above we hand you, agreeable to your request, the prices we were giving at the periods required by you for Pottery tissue, and beg to add, we consider the immense reduction thereon is attributable to the introduction of the paper machine; and we have no hesitation in stating that much of the improvement which has taken place in the manufacture of printed earthenware could not have been accomplished, had not the quality of the paper kept pace with the improvement in the engraving department. We are, Gentlemen, your obedient servants, H. & W. Davenport & Co." The next is a letter from Messrs. Wood & Sons.

497. Please to hand it in?—

	1814,	1822.	1833.
"Demy pottery tissue - -	12*s.*	9*s.* 6*d.*	7*s.*
Large plate - - -	19*s.*	14*s.* 9*d.*	10*s.*
Royal - - - -	16*s.*	12*s.*	8*s.* 9*d.*
Large royal - - -	19*s.* 6*d.*	15*s.*	10*s.* 3*d.*

Burslem, 8th February 1834. Messrs. Fourdrinier, Gentlemen, Agreeable to your request we furnish you with a list of prices we have paid for printing paper used in our manufactory in the years 1814, 1822 and 1833, which shows in the latter year, compared with the two former periods, a very great reduction in price, and which we consider is to be attributable to the ability and exertions of your firm in discovering a cheaper and better mode of manufacturing tissue paper; and we beg to add, the paper we are now using of your manufacture is as much superior in quality, compared with the same article purchased by us in the year 1814, as it is lower in price; and that we believe, with the aid of your superior quality of Pottery tissue, adapted to the present style of engravings now in general use, is to be found the great improvement which is every where visible

in

Mr. H. Fourdrinier.

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in the quality of printed earthenware and china. We are, Gentlemen, your obedient servants, Enoch Wood & Sons." The next is a letter from Messrs. Clewes.

498. Hand it in?—"Cobridge, 8th February 1834. Messrs. Fourdrinier, Hanley. Dear Sirs,—Agreeable to your request we have annexed quoted the prices of tissue paper we paid for the years 1814, 1822 and 1833, and we have much pleasure in being able to state that the paper furnished by you since you came into this neighbourhood, and manufactured by the machine, is much superior to what we had previously used; and we do not hesitate stating, that had not an improvement taken place in the manufacture of paper, the new style of engraving would have been of no use, as the paper previously used was of too coarse a nature to draw from the fair engravings any thing like a clear or perfect impression, and the Staffordshire potteries, in our opinion, are deeply indebted to you, as well as the public, at large for the astonishing improvement that has recently taken place both as regards china and earthenware, more particularly the latter. We are, Gentlemen, your obedient servants, *R. & J. Clewes:*

	1814.	1822.	1833.
Demy Pottery tissue	12*s.*	9*s.* 6*d.*	7*s.*
Large plate ditto	19*s.* 6*d.*	14*s.* 9*d.*	10*s.* 3*d.*
Royal	16*s.* 3*d.*	12*s.*	8*s.* 9*d.*
Large royal	19*s.*	15*s.*	10*s.* 3*d.*"

The next is a letter from the Clarendon Press.

499. Hand it in?—"Return of prices charged to the Clarendon Press for the University of Oxford. Oxford, February 19, 1834. Sir,—I am desired to say, in reply to yours of the 12th instant, that as there will be no meeting of the delegates for a considerable time to come, your questions concerning papers cannot at present, as it regards our press, be answered. I have, however, inquired of Mr. Swan the prices of paper at the different periods you mention, and he has favoured me with the following particulars:—

The year 1814, 17 *d.* per lb. fine quality.
— 1820, 16 *d.* - ditto.
— 1827, 14 ½ *d.* - ditto.
— 1834, 12 *d.* - ditto.
— 1814, 15 *d.* per lb. second quality.
— 1820, 14 ½ *d.* and 14 *d.* ditto.
— 1827, 13 ½ *d.* - - - ditto.
— 1834, 11 *d.* - - - ditto.

I remain, Sir, your obedient servant, *John Arnett.* To Mr. H. Fourdrinier."—I have another letter from Messrs. Machin & Potts, stating that, without the invention of Messrs. Fourdrinier's machine, their patent could not have been taken out.

500. Hand it in?—"Burslem, February 25th, 1834, Messrs. H. Fourdrinier & Co. Gentlemen, Understanding that you are about to submit to the Legislature a statement of the great expense incurred in perfecting your improved system of manufacturing paper, and the loss accruing to you in consequence of the defective state of the law of patents, which enabled others to reap the fruits of your ingenuity and skill, we feel great pleasure in bearing our testimony to the benefit conferred on this district by your invention. The improved quality and reduced price of tissue papers since the introduction of your plan, we have, of course, been benefited by, in common with other consumers of the article; but, in justice to you, we feel bound to refer to another advantage experienced only by ourselves; we have (as you are aware) for the last twelve months adopted a new mode of printing on china and earthenware, for which our Mr. Potts obtained His Majesty's letters patent two years ago, and which, but for your improved system of making tissue paper, could not have been brought to perfection, indeed it must have utterly failed, our patent machine requiring the paper in such lengths as it was impossible on the old plan to make it; on referring to our present stock, we find we have *one sheet* of your paper more than 1,200 yards long. The process of our patent printing, has been witnessed by several of the nobility and gentry in this neighbourhood, who, (though highly gratified by the simplicity of the apparatus, and astonished at its vast capabilities) we are free to confess, have at the same time awarded no inconsiderable meed of praise to the ingenuity of the manufacturer who devised the means of furnishing us with sheets of paper of such an unheard-of and almost incredible length. Should you think this state-

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ment likely in any way to promote the object you have in view, we request you will make use of it in any manner you may think proper. We are, Gentlemen, yours truly, *Machin & Potts.*"

Richard Godson, Esq., called in; and Examined.

R. Godson, Esq.

501. *Chairman.*] Mr. Godson, I believe you were lately in Parliament, and you have turned your attention a good deal to the law of patents, I believe?—Yes, I have.

502. You brought in a bill for that purpose?—Yes; it passed the Commons, but did not get through the Lords.

503. Will you have the kindness to state to the Committee your opinion of the great advantage of this patent, as far as your observation goes?—I am clearly of opinion that the public, both as a Government consuming the article, and as a collection of individuals, have respectively reaped advantage from this patent, by the great improvement in the quantity and quality of paper; I am also clearly of opinion that the patent was not supported by the courts of law on account of the technical grounds, and not upon any question of the merits.

504. Speaking as a lawyer, is it your decided opinion that the specification was correct?—It is, not only speaking as a lawyer, but speaking as a person well acquainted with mechanics.

505. Then your opinion is, that the decision of the court in that respect was wrong?—On technical grounds only.

506. Which technical grounds showed a deficiency in the law of patents, and not any fault in the individual, from a defect in the specification?—Yes; the decision of the court showed two things; first, that the law respecting patents, as to its titles, was too strict, inasmuch as they held that the word "machine" in the title was bad, and ought to have been "machines" in the plural number; and, secondly, that the mechanical part of the invention was not clearly understood by the court; the patent is for making paper from one to 12 feet wide and upwards, and from one to 45 in length and upwards; the machine produced in court would only make it of one width, and then the court drew the inference that therefore it could not make it of the other width, as, for instance, the machine produced in court making it of two feet, the Chief Justice said, "How can you call this a machine for making paper from one to 12 feet wide, when it is clear it will only make it two feet wide?" whereas, if the machine produced had been one that would have made it to 12 feet, then by that small modification, which the Chief Justice admitted might have been given in evidence under the word machine itself, by which, having one of 12 feet wide, you might have reduced it, as the pulp came out from the part of the machine, so as to spread over it 12 feet wide, then the word machine would have been sufficient to have supported the patent.

507. And that was the sole cause of throwing over the patent?—The patent was never thrown over, technically speaking; it was the sole cause of the judgment of the court, by which they granted a new trial; and the granting of a new trial coming when Messrs. Fourdrinier's resources were exhausted, they were not able to go on; the patent never was really repealed; if Messrs. Fourdrinier had been, like Arkwright, possessed of an unlimited fund, by which they could have gone on bringing actions upon this patent, then other questions might or might not have arisen; but this is the reason why the new trial in that particular instance was granted; they granted that new trial; and the funds being exhausted by the number of suits Mr. Fourdrinier was put to, he was able to say, "This combination is too large for me, and I must submit;" and thus, from the right to the patent, from the utility being proved, the specification being sufficient to convey to the public the right use of it when the patent had expired, from the great capital employed, from the results produced in quantity and quality to the paper, it is fair, reasonable and just that a proportion of that profit so obtained by the Government and by the public should be refunded to the patentee who created that wealth for them.

508. It is your opinion that Messrs. Fourdrinier were legally entitled to the right to the patent?—They had clearly a right to the patent, and if their funds had permitted them to continue the litigation, I am of opinion that ultimately they would have been successful in supporting their patent right, both in the courts of law and in equity.

Mr. *Charles*

Mr. *Charles John Bloxam*, again called in; and Examined.

Mr. C. J. Bloxam.

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509. Sir *Oswald Mosley*.] DO you produce the minutes of proceedings taken before a Committee in the House of Lords upon this subject?—I do.

510. From the library of the House of Commons?—From the library of the House of Commons.

511. Would you read the title, if you please, and state the period at which they were taken?—"Minutes of Proceedings of the Committee to whom was referred the Bill, intituled, 'An Act for prolonging the term of certain Letters Patent assigned to Henry Fourdrinier and Sealy Fourdrinier, for the invention of making Paper by means of Machines.' Ordered to be printed, 10th August 1807."

512. Have you got a statement of the duty paid upon paper from the year 1800 to the year 1835 inclusive?—I have.

513. Have you examined that statement with the excise?—I have examined it with the 14th Report of the Commission of Excise Inquiry.

514. Is the statement correct?—It is. The following is the statement: in 1800, 195,641*l.* 14*s.* 6*d.*; in 1807, 424,666*l.* 8*s.* 9*d.*; in 1814, 484,930*l.* 2*s.* 6*d.* in 1821, 579,867*l.* 11*s.* 10*d.*; in 1828, 766,954*l.* 13*s.* 10*d.*; and in 1835, 833,822*l.*

515. In the year 1800 no paper machines, I believe, were introduced?—No.

516. In the year 1807 the machines were partially worked?—Commencing.

517. When was the patent right first litigated?—In 1816.

518. When would it have expired, had it continued to the end?—In August 1822.

APPENDIX.

Appendix (A.)

STATEMENT on the part of the PATENTEES of a new mode of making PAPER by MACHINERY.

Appendix (A.)

THE manufacture of paper is one so important in every point of view to a civilized community, that it is not perhaps too much to hope for some attention to a discovery, which has not only effected a most material improvement in the dimensions and quality of the article, but also promises a very great reduction of the price, whenever the use of machinery in this trade shall become general.

It is a fact which certainly deserves to be noticed for its singularity, as well as for the strong point of view in which it places the merits of the invention in question, that an art of such great importance to society should have remained for eight centuries, when paper is first known to have been in use, and that no less than two hundred and eighteen of those years should have elapsed since its first introduction into England, without any mechanical improvement in the process, till within a few late years.

Various attempts have been indeed made; some having tried to substitute a machine for the vatmen, and others, for the couchers. In France, M. Montgolfier contrived three figures in wood, to do the work of the vatman, the coucher, and the layer.* He certainly did make a few reams of paper, but the operation was slow, and it still required to be pressed by manual power. On the machine also being in the least obstructed, which inevitably happened, the perfect exactness which it was necessary should exist in the action of the automata was destroyed, and the whole fabric subject to break. After persevering for six months, and incurring a considerable expense, this ingenious artist was at last obliged to abandon his scheme.

Some other efforts to accomplish the same object have been made with no better success; and in England the son of a manufacturer constructed a machine to do the coucher's work, but, having performed this operation on eight or ten sheets, the mechanism was no longer fit for use.

Such are the results of all former attempts at mechanical improvements in this art.

With regard to the dimensions of which paper was manufactured, it is necessary merely to mention, that in China, in Persia, and indeed throughout all Asia, paper is made from 30 to 40 ells in length, but not by machinery. The mould and the vat are of the intended size of the paper, the former being suspended like a swing, and at a distance of every four feet a man is placed; so that consequently, for making each sheet, from 30 to 40 men must be employed. The success of this operation also depends entirely upon their all acting at one and the same instant of time, so as to produce an uniform swinging motion, which is required to give equality to the paper.

In France, at the manufactory of Montargis, paper has been made eight feet long, and four wide, but with a mould similar to that which is used in England for making the class called Antiquarian. For this purpose ten men are required, and even then thick paper alone can be made.

Such was the rude state of this important manufacture, when it was communicated to Messrs. Fourdrinier, who are very extensively engaged in this trade, that an ingenious artist in an adjoining country, had brought a machine for making paper to some degree of perfection. A few sheets, the result of his attempts, and some drawings, were all that could then be produced, but these sufficed to convince them of the practicability of the measure, and though aware that to render the result complete, would not only require the tedious and hazardous experiments of several years, but also an expenditure beyond the power of most individuals; yet anxious to secure to their country the benefits of so important a discovery, they did not hesitate to conclude an agreement with the inventor for the purchase of a principle which might at that period be said never to have been tried.

Messrs. Fourdrinier were not mistaken in their apprehensions that much remained to be done. They had, in fact, at this time, nothing more than the simple development of the principle; but, having succeeded in giving some sort of organization and connexion to the mechanical parts, and obtained a patent,† they immediately began a very extensive course of experiments, in order to give all possible simplicity to the construction, and combine facility with certainty in the operations and results of the machine. In order to accomplish this arduous object, they have laboured without intermission for nearly six years, and after

* The vatman forms the sheet with a mould from the vat; the coucher couches it from the mould between a flannel or felting. After 120 sheets are made, five or six men are employed to press the water out of the sheets; the layer then lays it in packs.

† The patent was obtained in 1801.

Appendix (A.)

after incurring an expense which would have exhausted any fortune of moderate extent (not less than thirty thousand pounds), they have at length succeeded, even beyond their most sanguine expectations, in the application of machinery to this manufacture in every one of its branches.*

By this invention manual labour is entirely dispensed with. The paper must not even be touched by the hand. The machine alone conducts it from the state of pulp to that of perfect paper, of a texture, strength, size and quality, far superior to any ever made by the hand of man. It is of a width before unknown; of length unlimited; and of any thickness, from that of a bank-note to pasteboard. The expedition of the machine is so great, that it makes paper from four to five feet wide, at the rate of 148½ square feet per minute, or 8,910 per hour; thus manufacturing the astonishing quantity of 106,900 square feet every twelve hours. Two men only are required to attend the machine; one to supply the vat with pulp, the other to change the rollers as they become loaded with paper.

The most accurate idea of the advantages attending the use of machinery in this manufactory, may perhaps be best derived from the following comparative estimate.

A Comparative Estimate of the Expense which attends Seven Vats, and that which attends a Machine employed upon Paper sized in the Engine, performing the same quantity of work as Seven Vats, at the rate of twelve hours daily.

SEVEN VATS.

	DAY.		WEEK.			MONTH.			YEAR.		
	s.	*d.*	£.	*s.*	*d.*	£.	*s.*	*d.*	£.	*s.*	*d.*
7 Vatmen, at	3	3	6	16	6	27	6	–	354	18	–
7 Couchers	3	1	6	9	6	25	18	–	336	14	–
7 Layers	3	1	6	9	6	25	18	–	336	14	–
3 Finishers	4	–	3	12	–	14	8	–	187	4	–
6 Dry Workers	3	1	5	11	–	22	4	–	288	12	–
3 Men to go to press, &c.	2	6	2	5	–	9	–	–	117	–	–
7 Parters (women)	1	4	2	16	–	11	4	–	145	12	–
Fire			7	–	–	28	–	–	364	–	–
Felting				—			—		140	–	–
Washing ditto, oil, soap, fire, &c.			1	11	6	6	6	–	81	18	–
Moulds				—			—		140	–	–
1 Man, and expenses of repairing, in keeping in order 7 vats, vat-presses, &c.				—			—		112	–	–
Total 41 persons.			£. 42	11	–	170	4	–	2,604	–	–

A MACHINE.

	DAY.		WEEK.			MONTH.			YEAR.		
	s.	*d.*	£.	*s.*	*d.*	£.	*s.*	*d.*	£.	*s.*	*d.*
2 Journeymen	3	6	2	2	–	8	8	–	109	4	–
2 Ditto	2	6	1	10	–	6	–	–	78	–	–
2 Finishers	3	6	2	2	–	8	8	–	109	4	–
2 Dry Workers	3	6	2	2	–	8	8	–	109	4	–
Parters (none)				—			—			—	
Fire (none)				—			—			—	
Felting				—			—		24	–	–
Washing, ditto				—			—		5	–	–
Wire				—			—		200	–	–
1 Man to keep in repair the mill and machine				—			—		100	–	–
Total 9			£. 7	16	–	31	4	–	734	12	–

	£.	*s.*	*d.*
Expense of 7 vats per annum, is	2,604	12	–
A machine doing 7 vats' work is, per annum	734	12	–
Balance saved by the machine per annum	£. 1,870	–	–

N. B.—There are other advantages to the amount of full 400*l.* per annum, of which manufacturers are well aware, although not taken into this calculation.

Deferring for a moment the consideration of the new aspect which this invention will give to a manufacture so important to the country, and waving all arguments derived from a consequent extension of the trade, which, at a future period, must enable Great Britain to monopolize the markets of Europe in the sale of this article, the patentees here beg leave to submit the situation in which they are placed, from the unparalleled risks they have run, the innumerable difficulties they have encountered, and the enormous expenditure they have incurred.

From

* Subsequent patents have been taken out for the successive improvements.

Appendix (A.)

From the circumstances to which they have but slightly alluded, they are placed in the same situation with some of those individuals, who, by their enterprize, spirit and skill, have most materially contributed to the improvement and extension of the manufactures of this country. They are in the same situation with Sir Richard Arkwright and Mr. Watt: and as their invention, in a national point of view, is not less important, or less perfect (as will be presently shown), than those by which these great mechanics conferred such important benefits on the country, they trust that they will be found equally entitled to the advantages and assistance which were allowed to them.*

In the present instance, as in the two which have been mentioned, the sum expended has been so great, and so large a proportion of the time allotted for the remuneration of the patentees has elapsed before the invention could be made productive,† that there is but little prospect of their being recompensed for their labour and risk, or even reimbursed their expenses, unless Parliament think proper to grant them an EXTENSION of their PATENT; a mode which has usually been preferred as most advantageous to the public, because it still leaves to the inventor the chance of being indemnified or not, according to the merits of his invention when tried by the test of experience. If his discovery be of great public utility, he derives the benefit consequent upon its being generally adopted. If useless and impracticable, the public can sustain no inconvenience from extending the monopoly of an invention which no one will adopt.

The questions, upon the consideration of which the propriety of granting an extension of a patent has generally turned, are FOUR:

1st. The merits of the invention, and the degree of benefit to be derived by the public.
2d. The reasonableness of the premium claimed by the patentee for the use of his invention.
3d. The expense and risk attending the invention's being brought to perfection.
4th. The probability or possibility of the inventor's obtaining a fair and reasonable remuneration for the benefit conferred upon the public, and for his expense and risk.

Upon each of these points, the patentees are able to adduce most satisfactory evidence in their favour.

This case is in many respects similar to those of Sir Richard Arkwright and Mr. Watt, but much stronger; and it must be remarked, that both the principle and the mechanical application of the parts here are new; whereas Sir Richard Arkwright's invention (for which his patent was extended‡) consisted in a mechanical improvement upon an existing machine, and Mr. Watt's was the application of a new principle to an engine which had been invented and used for more than half a century.

To the Bill for the renewal of Mr. Watt's patent, a considerable opposition was made, and the propriety of granting in any case an extension of a monopoly, was most fully and ably discussed. If the arguments adduced were considered decisive in that case, they are still more forcible in their application to the present. This is not the case of an inventor's claiming a reward for the discovery of an abstract principle, which may never be reduced to practice; nor is it the case of a person's soliciting a premium for what he has not done. Here the thing is done: the effects are demonstrated; the benefits confessed; and the inadequacy of the probable remuneration to be derived from the patent can be ascertained.

To demonstrate this, it is only necessary to state, that the expense of making paper by hand is 16*s.* per cwt. whereas by machine, it is only 3*s.* 9*d.* So that upon 432,000 cwt. the quantity estimated to be annually made in Great Britain and Ireland,§ and the expense of which, at 16*s.* per cwt. when made by hand, amounts to 345,600*l.* and the same quantity made by the machine, which cost only 81,000*l.*, there is a TOTAL ANNUAL SAVING of 264,600*l.*

Great as the benefits must consequently be, as well to the public as to the manufacturer, there are yet other circumstances to be considered, which, with regard to the latter, are of the most material importance, and must tend, in a very eminent degree, to facilitate the carrying on his business. He is not harassed with the same heavy expenditure of capital, there being a weekly reduction of 42*l.* 11*s.* attending the use of machines, besides other important advantages; nor does he require workmen regularly educated to the trade, the most uninstructed person being competent for the purpose, and he is besides relieved from the difficulties and loss consequent upon perpetual combinations for the increase of wages.‖ He can also suspend his work and resume it at pleasure, at an expense comparatively trifling, as the machine only requires four, whereas seven vats require upwards of forty persons to do the same work.

With

* The most recent instance of the extension of a patent by Act of Parliament, was that of the Rev. Edmund Cartwright, in July 1801.

† The working model erected by the patentees at Two Waters, in Hertfordshire, was not set at work until 1805, and the first machine in 1806. They have since erected another at St. Neot's, in Huntingdonshire, and the result exceeds what they ever hoped.

‡ It was Sir Richard's second patent for Improvements on his original machine that was the subject of the extension.

§ This estimate is founded upon the fact of 900 vats being worked, each being calculated to make annually 480 cwt. of paper; but the number of vats is believed to be considerably more than 900.

‖ It is a fact that the mills have been kept unemployed for ten months at a time by these combinations, which generally occur every two or three years, to the great loss both of the manufacturer and the revenue.

Appendix (A.)

With regard to the superiority of paper manufactured by machinery, it is necessary to say but little, as that can best be appreciated by an examination of the different specimens. It ought not, however, to be omitted, that one literary work has by means of this invention been already executed of a size never before attempted, and in the highest state of perfection.

As immediately connected with these considerations of the benefits to be derived to the public from this invention, and as tending distinctly to show the new aspect which the manufacture of paper may now be enabled to assume, it is material to state, that paper manufactured in England, although superior in general to that made in any other country, is one of those articles, the exportation of which has always been prevented by its high price. This arises principally from the high price of labour in England; but whenever the use of machines becomes general, this hitherto insurmountable obstacle will exist no longer; and thus a new branch of trade will be opened to the manufacturer, from which he is, at present, entirely excluded.

In stating that this mode of making paper by machinery would ultimately produce a very material reduction of price, the patentees must be understood as speaking of the period of its general adoption in the manufactories of the United Kingdom. Of this indeed finally taking place, there cannot be a shadow of doubt; for, notwithstanding the prejudice and partiality which always prevail in the minds of men accustomed to old habits, the machines erected by the patentees at their mills in Hertfordshire, have not been seen by one single manufacturer, who, at the same time that he expressed his admiration at the beauty and simplicity of the process, did not also declare his opinion in its favour, in stronger terms than even the sanguine expectations of the patentees could lead them to hope.

But if it be clear that the general introduction of machinery into this trade must produce not only a great reduction in price to the public, but also a considerable additional profit to the manufacturer, it must be equally evident, that if measures are not adopted to accelerate this object, a loss must be sustained in proportion to the delay: and it is therefore not too much to advance, with considerable confidence, that the interests of the public and the manufacturer do most imperiously demand that no exertions should be omitted to induce the general adoption of machinery in this trade.*

Having now briefly stated some of the beneficial results consequent upon the use of the invention, sufficient however, the patentees hope, to establish the result of the first and most material question for the consideration of the Legislature, in their favour, they proceed to the SECOND, in which they trust that they will be found equally successful.

From the moment that the patentees foresaw the new character and aspect that their invention would give to the manufacturer of paper, they considered it as a national object: as one, with which the extension of the manufacture and the improvement af the article were connected as nearly as with any benefit to be derived by themselves: and they can venture to assert, without the hazard of contradiction, that, had they not come forward and risked a considerable part of their fortunes, laying aside all consideration of the personal anxiety, time and fatigue, which bringing the object to maturity has required, the benefits of this most important invention would have been lost to England. And although from the outset they foresaw that the ordinary term of a patent would be inadequate to afford them any reasonable remuneration for their expenditure, their risk, and their labour, they still persevered, under a conviction that the Legislature, upon a mature and full consideration of the case, would not deny to them the same protection and assistance which have been usually granted to others in similar situations.

They are fully aware, however, that the public ought to have the benefit of their invention upon fair and reasonable terms; and in this respect they think they may encounter any comparison.

The patentees are willing to supply any manufacturer with a machine at the prime cost, which is 1,250 *l.* the manufacturer engaging to pay them annually in the following proportions:

Those who have 2 vats, £.	150	per ann.	leaving a clear profit to the manufacturer of	-	-	-	-	-	£.	412	17	-
„	3 ditto	300	-	-	-	-	-	-		544	5	6
„	4 ditto	400	-	-	-	-	-	-		725	14	-
„	5 ditto	500	-	-	-	-	-	-		907	2	6

This statement supposes that the term of the patent is not extended. But in case Parliament shall think proper to pass an Act for that purpose, the terms will then be,

Those who have 2 vats, £.	100	per ann.	leaving a clear profit of	-	-	-	-	-	£.	462	17	-
„	3 ditto	200	-	-	-	-	-	-		644	5	6
„	4 ditto	300	-	-	-	-	-	-		825	14	-
„	5 ditto	400	-	-	-	-	-	-		1,007	2	6

Being not quite one-third of the annual profit derived by the manufacturer.

The patentees trust, however, that in urging the arguments to be derived from this comparative statement of their terms in all their force, they will not be thought to arrogate to themselves any claim to liberality of conduct, beyond that to which they are really entitled,

* Supposing the annual profit from the use of machines, upon the total quantity of paper manufactured in this country, to be 264,600*l.*, and that machines are not introduced until the expiration of the patent, which is eight years, the total loss will be 2,116,800*l.*, not reckoning the accumulating interest upon the saving of each year.

Appendix (A.)

entitled, when they observe that their demand will be less, provided their patent be extended.

A very few observations, it is hoped, will be sufficient to show that, when the short remaining term of the patent (about eight years only), the time that it requires to erect a machine, and the nature of the expenditure and risk to which the patentees have exposed themselves are considered, it will be next to impossible they should derive a fair, adequate and liberal remuneration for their labours, without an extension of the patent. Every one must be aware that the abstraction of a capital of thirty thousand pounds at least, from an extensive commercial concern, the profits of which are regular and certain, cannot be compensated by a return of that sum with common interest; and it must be observed, that it is not the mere amount of the expenditure, but the circumstance of its laying unproductive for so long a time, that makes the burthen peculiarly heavy upon the patentees, and their reimbursement more than precarious; for it is only within two months that the machines which they have already erected at their own manufactories, have begun to reduce the previous expense.

Besides, a machine cannot be made in less than twelve months, and the capital and establishment required to erect a sufficient number to supply the demand, far exceed the power of any individuals. Notwithstanding the great saving, therefore, effected by the use of machines, it would be impossible for the patentees themselves to construct so many as to make their annual profits during their patent reimburse them for their previous expenditure. But should the patent be extended, means adequate to the speedy supply of all the manufacturers might be adopted, because the patentees would then have the certainty of being reimbursed; and the heavy expense attending the first erection, which may be an obstacle with many manufacturers, would also be in some degree removed by the patentees being able to give them much greater accommodation in that respect, which it will be impossible for them to do if they are left to the precarious enjoyment of the annual profits of only a few years. The reduced sums also which the patentees will demand, must leave the benefits to the manufacturers so great, that when the two are combined, there can be no further difficulty in the way of their immediate adoption.

And if it be of great importance to the public that a very material reduction should, as soon as possible, take place in the price of an article, the consumption of which is so large, and would in that case become larger, to the great increase of the revenue, there is perhaps no measure so well calculated to accelerate the object, as an extension of the patent, because it would at once remove the only motives that can operate in the mind of the manufacturer to defer his adoption of machinery, the benefits and certainty of which every individual has acknowledged.

Thus the public interest becomes nearly identified with the measure now solicited, particularly as it would tend to give a superiority to the manufacturers of this country, and enable them to go into competition in foreign markets.

Upon the whole, the patentees confidently trust it will clearly appear that they have been the sole cause of obtaining for their own country, and of bringing to maturity, an invention of great public utility, affording not only the means of a very considerable reduction in price, but also of extending the limits of the trade far beyond those to which it is at present confined; that their demand for the benefits conferred bear no proportion to those received; and they respectfully flatter themselves that, as an act of justice, their patent will be extended, being the only effectual mode of remuneration for their labour, their expenditure and their risk.

Appendix (B.)

TO THE PAPER MANUFACTURERS OF GREAT BRITAIN AND IRELAND.

Appendix (B.)

IN August 1806, the machine for making wove paper was first announced to you.

In 1807, after a very strict investigation of both Houses of Parliament, the Legislature was pleased to grant an extension of the patents. Prior, as well as subsequent to this period, manufactories in different counties in England, Scotland and Ireland, adopted, and have since continued in the constant use of this machine, and have found that all the advantages ascribed to it in the prospectus of 1806, were stated with the utmost accuracy.

Notwithstanding, however, the enormously expensive experiments of several years, yet, so long as any improvement appeared practicable, the patentees spared neither exertions nor expense (however great) for its accomplishment. It is with the most perfect confidence their entire success is now announced; and it is here proposed to state the nature of the improvements, and the superior advantages to be derived from the machine in its present state.

The great inducements to the adoption of machinery in this as in all other manufactures are economy, expedition, and the perfection of the article produced. The nature and importance of the improvements, since the first announcement of the machine, will be obvious from the following statement.

The

Appendix (B.)

The improved machine, from its greater simplicity, may be erected at a considerably less expense than the former. Mr. Donkin, the engineer, will engage to furnish machines of the dimensions specified below, with all the present improvements, at the prices annexed to each.

	Inches.	If driven by Straps.	£.
3 or 4 vats	30	between the deckles	715.
6 ditto	40	ditto - ditto	845.
8 ditto	44	ditto - ditto	940.
12 ditto	54	ditto - ditto	995.
		If driven by Wheels.	
3 or 4 vats	30	between the deckles	750.
6 ditto	40	ditto - ditto	880.
8 ditto	44	ditto - ditto	980.
12 ditto	54	ditto - ditto	1,040.

These prices are for the machines respectively when taken from the premises of the engineer, and do not include the water-wheel or its shaft, nor the expense of erection, or any work upon the premises of the manufacturer; but the wire, felt and leather edges are included.

The time required for making and erecting a machine is from four to five months, according to local circumstances.

Besides the saving in the first cost of the machine, the simplicity of the new construction is productive of much more important advantages in point of economy, by the great reduction of the current expenses.

For instead of five men formerly employed, three are fully sufficient for the management of the present machine, without requiring that degree of attention or skill which before were indispensable; but that the extent of this advantage may be properly understood, it will be necessary to enter into some detail.

It is well known that paper is made by the machine of great width and of unlimited length, at the pleasure of the manufacturer, and that it requires to be afterwards divided into sheets. This division, in the unimproved state of the machine, was performed sheet by sheet, and four expert workmen employed in this operation alone were found insufficient either to keep pace with the machine or to cut the paper square, or to preserve a tolerable uniformity in its dimensions.

But in the improved machine, this operation is not only very much facilitated, but the paper also cut perfectly square and of uniform dimensions, by two ordinary workmen with a common knife, in less than a third part of the time formerly required by the four.

The paper being collected upon the reels in any convenient quantity, the whole is reduced into sheets by simply cutting off the edges; and with equal facility, when further subdivision is required, by cutting it transversely.

But it is under-rating the value of this expedient only to say, that the labour of two men out of five is saved; for, in fact, the two men who are employed in cutting the paper, not only do that with ease, which formerly was done with difficulty by four; but also, in the intervals between the successive operation of cutting the paper as each reel is fitted, they place the whole of the paper in packs, put it into the press, and convey it to the lofts.

The current expenses are also very considerably lessened, not only by a great reduction of the quantity of wire employed, but also from its greater durability, in consequence of a variety of improvements, the enumeration of which would now be superfluous. Only one piece of wire 25 feet long is now used instead of two, which together were 44 feet 6 inches; the latter were generally worn out in two or three months; whereas the wire in the new machine lasts from four to six months, according to its quality.

Instead, however, of attempting to describe the particular means by which all the various other improvements have been accomplished, for indeed it cannot be adequately done by words only, it will be sufficient to state, in general terms, what the improvements are, and the advantages which result from them, as being of much more importance for the manufacturers to know.

First. A better mode of agitating the stuff from the vat by a vertical instead of a horizontal agitator, and the delivery of the stuff from the vat by one aperture only, instead of several, which prevent the formation of lumps and rolls.

Second. The method of delivering the stuff upon the wire, by which not only a greater uniformity in the distribution is obtained, but it is so contrived that the stuff flows with much less velocity than it did in the old machine, which prevents any cloudy appearance, and gives that beauty and clearness peculiar to machine paper.

Third. The construction of the deckles and the method of supporting the wire are much simplified and improved, so that the apparatus to the former machine is rendered less complicated.

The advantages resulting from these improvements are a considerable reduction in the first cost and in the current expenses of the machine, and also an increase in the quantity of paper which may be made in a given time.

Enough has been said to show to what perfection the machine has at length been brought; and as to its general merits, it certainly possesses in a pre-eminent degree all those properties which can render any machine desirable.

For the truth of this assertion, appeal is made first to the unrivalled excellence of the article manufactured by the machine, in the decided preference given to machine paper

Appendix (B.)

in the market; and, secondly, to the machine itself, for the correctness of the report as to the ease and facility with which it is managed, the number of men employed, the quantity of paper made in a given time, and the ultimate saving produced.

It only remains that there should be brought together into one comprehensive view, all the advantages to be derived from the use of this machine, together with such other facts and observations as may enable you to draw your own conclusion on comparing them with the old mode of manufacturing paper by hand.

In 1806 the machine was capable of doing the work of six vats in twelve hours; it is, however, now capable of doing double that quantity at one-fourth of the expense. For by the various improvements enumerated above, the consumption of wire is reduced nearly one-half, and lasts above double the time; the quantity of paper produced is doubled; and, taking into consideration the work which is now performed by the men over and above their immediate attendance upon the machine, it may be fairly stated, that the number of men is reduced to one-half; consequently the expense of wire and labour is reduced to one-fourth of what it was.

The other advantages incidental to the nature of the process of making paper by this machine may be classed in the following order:

1st. That the paper is much superior in strength, firmness and appearance, to any which can be made by hand of the same material.

2d. It requires less drying, less pressing and parting, and consequently comes sooner to market; for it receives a much harder pressure from the machine than can possibly be given by any vat press, and is therefore not only drier, but on account of the closeness and firmness of textures, even the moisture which remains is far sooner evaporated, on exposure to the air, than it would be from the more spungy or bibulous paper made by hand.

The superior pressure, and the circumstance of one side of the paper passing under the polished surface of one of the pressing rollers, contribute to that smoothness which in hand-made papers can only be obtained by repeated parting and pressing; consequently a great part of the time necessarily spent in these operations is saved, and the paper sooner finished and ready for market.

3dly. The quantity of broken paper and retree is almost nothing compared with what is made at the vats.

4th. The machine makes paper with cold water.

5th. It is durable, and little subject to be out of repair. The machine at Two Waters, in Hertfordshire, for the last three years, has not cost 10 *l.* a year in repairs.

6th. As paper mills are almost universally wrought by streams, which vary considerably in their power from time to time, there will result from this circumstance a very important advantage in the adoption of the machine. The common paper mill being limited by its number of vats, no advantage can be taken of the frequent accessions of power which generally happen in the course of the year; but, on the contrary, as scarcely any mills as capable of preparing stuff for twelve vats, every accession of power to the mill, where a machine is employed, will increase its produce without any additional expense.

7th. The manufacturer can suspend or resume his work at pleasure; and he is besides effectually relieved from the perplexing difficulties and loss consequent upon the perpetual combinations for the increase of wages.

From what has been now said, it will be easy for any one who is conversant with the manufacture of paper to form a statement illustrative of the aggregate result; but it may be necessary to observe, that in making the comparison between the expense of the manufacture by the hand and by the machine, advantages have been enumerated in favour of the latter, upon which no certain value has been fixed. The following remarks may enable the manufacturer to appreciate these, and to form a more correct judgment upon the whole.

1st. In many situations the annual dues upon the machine would be in a great degree met by the saving of coals.

2d. That the expense of wire and felts will be little, if any thing, more than that for moulds and felts.

3d. That the workmen's wages will be more than paid by the difference in favour of the machine in the quantity of broken paper, the capability of advantageously employing any temporary increase to the power of his mill, and by the superiority of the paper.

The annual rents for the license to use the machine are as follows:—

For the use of a machine making only three vats work	£. 200	per annum.
For the use of a machine making only four vats work	300	ditto.
For the use of a machine making only five vats work	380	ditto.
For every additional vat's work	80	ditto.

And so in proportion for any quantity less than a vat.

The average work of one vat is estimated at 1,000 lbs. weight per week for paper subject to the first class duty by 42 Geo. 3, and 2,000 lbs. weight per week for paper subject to the second class duty by the same Act.

Should

Should any further information be required, in addition to what is above stated, Messrs. Fourdrinier & Co., Sherborne-lane, London; or Mr. Donkin, of Fort-place, Bermondsey, the engineer, will be happy to give it.

The great object of this address is to lay before you a correct account of the machine in its present improved state, by which alone you can be enabled to estimate the value of the invention.

That no notions may be entertained by any that the machine is yet imperfect, or that it is susceptible of improvement, the manufacturers are earnestly requested to inspect the machines already erected, when they will find the most satisfactory corroboration of every assertion made in its favour.

The house of Longman & Dickenson is using one of these machines at Apsley Mill, near Two Waters, having relinquished all right of selling the machine for which they obtained a patent.

REPORT

FROM THE

SELECT COMMITTEE

ON

FOURDRINIER'S PATENT;

WITH THE

MINUTES OF EVIDENCE,

AND APPENDIX.

Ordered, by The House of Commons, *to be Printed,*
1 *June* 1837.

[*Price 7d.*]

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REPORT

ON

RE-COMMITTED REPORT

FROM THE

SELECT COMMITTEE

ON

FOURDRINIERS' PATENT.

Ordered, by The House of Commons, *to be Printed,*
16 *June* 1837.

PROCEEDINGS OF THE COMMITTEE.

Veneris, 16° *die Junii*, 1837.

MEMBERS PRESENT.

Sir O. Mosley, Chairman.

Lord F. Egerton.

Mr. E. Buller.

Mr. Baines.

Mr. Pryme.

Lord Sandon.

Report read; amended, and agreed to.

To Report.

REPORT.

THE SELECT COMMITTEE to whom the REPORT on the Petition of *Henry* and *Sealy Fourdrinier* was re-committed, and who were empowered to report their Observations, together with the MINUTES OF THE EVIDENCE taken before them, to The HOUSE, after hearing the Evidence on the matters adverted to in the Petition;——HAVE agreed to the following REPORT:—

THAT by the Evidence brought before them, the property of the Messrs. Fourdrinier in the Patent for making Paper by Machinery is fully proved. That the profit of their business as Wholesale Stationers amounted, for the year ending on the 30th June 1800, to 14,044*l.*; on the 30th June 1801, to 14,215*l.*; on the 30th June 1802, to 4,005*l.*; and on the 30th June 1803, to 8,300*l.*; which diminution in profit appears to have taken place in consequence of the withdrawal of capital from their business, to render perfect this Invention. This is further proved by the additional Evidence, that an actual loss was incurred in their trade as Stationers, amounting in the year ending on the 31st December 1809 to 5,635*l.*, and ultimately by their becoming bankrupts on the 8th November 1810, which occurrence seems to have arisen from no other cause than the expense incurred by them in bringing to maturity their Invention.

Your Committee observe, that in the year 1807 an application was made to the Legislature by the Patentees for an Act to prolong the terms of their Letters Patent; and it appears, that in the Bill as it passed the Commons House of Parliament, such prolonged term extended to fourteen years, but was limited in the Lords to seven years, with an understanding that the term would be extended to seven years more in case the Patentees could prove upon a future application that they had not been sufficiently remunerated. No such application was, however, made, in consequence of a Standing Order of the House of Lords placed on their Journals subsequently to the passing of the said Act. It further appears by the Minutes of the Proceedings of the Committee of the House of Lords, to whom this Bill was referred, that the expenditure of the Patentees in making experiments in the construction of this Machine, amounted to 11,915*l.* 16*s.* 2*d.*, besides other sums of considerable magnitude, which were proved before the Committee of the House of Lords to have been expended by them, amounting, with the aforesaid sum of 11,915*l.* 16*s.* 2*d.*, to the sum of 60,228*l.* 18*s.* 6*d.*, up to the year 1807; but since that period certain sums have been received by them and their Assignees, leaving the total loss on the balance of the books of the Patentees, on account of the Machine, as proved before Your Committee, up to the expiration of the Patent, 51,865*l.* 12*s.* 10*d.*, without any interest being calculated thereon.

The Patent of Messrs. Fourdrinier would not have expired until the year 1822; but in consequence of their bankruptcy, no profits or advantage were received by the Patentees after 1810, with the exception of certain sums paid on account of the Patent to the Assignees under their bankruptcy. In the course of the legal proceedings instituted by the Assignees for the recovery of Patent dues, a verdict was obtained against Mr. Elsee, in 1825, upon which a new trial was granted in 1827 by the Lord Chief Justice of the Court of King's Bench on technical grounds only, by which the right of the Patentees was not invalidated; but from the entire exhaustion of their funds, neither the Patentees nor their Assignees were able to carry on the litigation.

It is only by this great sacrifice of property on the part of the Patentees that the Public are now in possession of this extraordinary Invention, by which the community obtains paper of a better quality at a lower price, whilst the manufacturer is enabled to supply whatever demand is made for paper of any size, quality or description, at a very short notice. This Invention has enabled the Earthenware Manufacturers to increase the beauty and accuracy of their patterns by the aid of a superior kind of tissue paper; has enabled the Lithographic and other Engravers, Paper-stainers and Publishers greatly to improve their respective arts; and has led the way to many new inventions of the greatest importance, which could never have been contemplated or rendered useful, had not the art of paper-making by this Machine been brought to perfection by the Patentees. Independently of these benefits thus conferred on the Public, it appears that a very considerable increase in the Revenue has taken place in consequence of this Invention. The Evidence adduced before Your Committee, which proves the almost universal application of this Machine in the making of paper at the present time, induces them to hesitate in recommending any extension of the Patent, even if it were practicable; but in consequence of the losses incurred by the Patentees, as stated in their Petition, and proved in Evidence before Your Committee, and of their being reduced to comparative poverty in the evening of a long life spent in the execution of a great national object, without having derived therefrom the slightest personal benefit to themselves, Your Committee beg to call the attentive consideration of Parliament to the hardship of the case of the Messrs. Fourdrinier, who, by the introduction of this valuable Machine, have conferred such great benefits on the Public, and on various branches of trade, have effected such savings in the Stationery Department of Government, and have occasioned an increase to the Public Revenue, with a ruinous loss to themselves.

June 1837.

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Ordered, by The House of Commons, to be Printed,
16 *June* 1837.

REPORT
ON
RE-COMMITTED REPORT
FROM THE
SELECT COMMITTEE
ON
FOURDRINIERS' PATENT.

REPORT

FROM THE

SELECT COMMITTEE

ON

THE DUKE OF MARLBOROUGH'S PENSION;

WITH THE

MINUTES OF EVIDENCE.

Ordered, by The House of Commons, *to be Printed,*
2 *June* 1837.

Veneris, 12° *die Maii*, 1837.

Ordered, THAT the Petition of the Duke of Marlborough, praying The House "to inquire into the circumstances under which the Parliamentary Grant made to John Duke of Marlborough, in 1706, has become subject to various Deductions, from which similar Grants for eminent Services have been exempted," be referred to a Select Committee, to examine into the allegations of Fact contained therein:—And a Committee is appointed of—

Mr. Harcourt.	Sir Robert Price.
Mr. Hume.	Marquis of Chandos.
Mr. Aglionby.	Mr. Tancred.
Mr. Baines.	Mr. O'Connell.
Sir Robert Inglis.	Sir Stratford Canning.
Mr. Poulett Scrope.	Sir James Graham.
Lord Viscount Mahon.	Mr. Philip Howard.

Ordered, THAT the said Committee have power to send for Persons, Papers and Records.

Ordered, THAT Five be the Quorum of the said Committee.

Veneris, 2° *die Junii*, 1837.

Ordered, THAT the Committee have power to report their Observations, together with the Minutes of the Evidence taken before them, to The House.

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MINUTES OF EVIDENCE - - - - - - - - - p. 1

REPORT.

THE SELECT COMMITTEE, to whom the PETITION of the DUKE OF MARLBOROUGH was referred, praying The HOUSE to inquire into the circumstances under which the Parliamentary Grant made to JOHN DUKE OF MARLBOROUGH, in 1706, has become subject to various Deductions, from which similar Grants for eminent Services have been exempted; and who were empowered to report their Observations thereupon to The HOUSE; together with the MINUTES OF THE EVIDENCE taken before them;——HAVE, pursuant to the Order of The HOUSE, examined into the Allegations of Fact contained therein, and agreed to the following REPORT:—

YOUR Committee find that complaint is made in the said Petition, of an Act passed in the last Session of Parliament, by which a duty originating in the annual Land Tax Acts, and to which the Parliamentary grant made to John Duke of Marlborough and his posterity was subject, was, for the first time, rendered permanent, at the rate of 20 per cent.; this grant, it is also stated, was inadvertently made liable to a duty of 7½ per cent. in 1809; and an appeal is made to the equity of Parliament for relief from these charges. Your Committee has therefore inquired into the circumstances under which they have been levied.

It appears that the manor of Woodstock had been conferred upon the Duke of Marlborough in 1704, on account of the victory of Blenheim, by 3 & 4 Anne, cap. 6; and the Queen began to build the House of Blenheim out of her Civil List monies; in 1706, after the victory of Ramillies, a Bill, originating in the House of Lords, extended to the heirs-female of the Duke the dignities which had been granted to himself and his heirs-male by letters patent from the Crown; the Commons at the same time passed a Bill granting £.5,000 per annum to the Duke and his successors, "for the more honourable support of their dignities, in like manner as his honours and dignities and the honour and manor of Woodstock were already limited and settled." The preamble, after reciting at great length his services during the war, proceeds thus: "And whereas we, your Majesty's most dutiful and loyal Commons, taking into consideration the many eminent services of the said Duke of Marlborough, whereby the glory of your Majesty's Government, the honour and safety of your kingdoms and the interest of the common cause have been so highly advanced, did, with all submission, address ourselves to your Majesty's most sacred Person, humbly to desire that, as your Majesty is at your expense graciously pleased to erect the House of Blenheim, as a monument of his glorious actions, and the House of Peers, by your Majesty's permission, have given rise to the said Act passed in this present Session, for continuing his honours to his posterity, we, your Majesty's most obedient Commons, might be permitted to express our sense of so distinguishing a merit, and our ready disposition to enable your Majesty to make some provision for the more honourable support of his dignities in his posterity, in such manner as should be most agreeable to your Majesty, whereby the gratitude of this whole kingdom might remain upon record to after ages, and encourage others to follow his great example." It was provided in section 2, "That the said Annuity or

4 Anne, c. 4.

4 Anne, c. 5

Yearly Pension of 5,000*l.* shall be paid by the immediate hands of all and every the Commissioners, Postmasters, &c., without any further warrant, order or direction to be obtained for that purpose, and without any fees or charges to be demanded or taken for paying the same, or any part thereof, unto the said John Duke of Marlborough, and to all others, severally and successively, to whom the same shall, after the decease of the said Duke, remain or belong by virtue of this Act; and the payment of the said Annuity shall not at any time hereafter be stopped or delayed by any order or direction whatsoever." But in the Land Tax Act of the same session, 6 Anne, c. 1, s. 4, all Pensions charged upon any branch of the Queen's revenue, "not being issuing out of any lands, tenements or hereditaments, or charged upon the same, touching which other directions are given by this Act, and not being annuities or yearly payments, which by any Act or Acts of Parliament, made or to be made, are or shall be specially exempted from the payment of taxes or aids," were rendered liable to assessment. By the sections 84, 85, 86, 87, 88, the pensions, annuities or salaries granted to Prince George of Denmark, certain Attendants on the Queen's superannuated Sea Officers and their Widows, the Poor Knights of Windsor, &c. are exempted from the tax, but no persons except Prince George appear to have been so by name. This tax was then of recent imposition; it had been first granted in 1692, by 4 Will. & Mary, c. 2, which is intituled, "An Act for granting to their Majesties an Aid of Four Shillings in the Pound for One Year, for carrying on a vigorous War against France." It did not at that time affect pensions: these appear to have been first liable to charge under the Land Tax Act of 8 & 9 Will. in 1696, but in the following year they are not included in it; and in 1698, on the peace of Ryswick, no Land Tax was passed. It was granted annually from the beginning of the reign of Queen Anne, under the anticipation of immediate war; but in 1702 and 1703 the Post Office pensions were not assessed to it, nor liable to be so; they appear to have been so generally in and after 1704; but Mr. Bowden, chief clerk to the Receiver-general of the Post Office, could not state whether any deduction had then been made from the Duke of Marlborough's annuity, as "the Post Office accounts only show the payment in full," he said, "till within these few years;" he produced however a public book found in the office, from entries in which he inferred that it had been assessed at 2*s.* in the pound between 1746 and 1753.

Q. 4, 220.

Your Committee being desirous of ascertaining, if possible, whether any deduction had been made during the lives of John Duke of Marlborough, and of his Duchess, who was entitled to it on his death, in 1722, under the provisions of the Act, entered into an inquiry with regard to the correctness of an allegation in the petition, that the Duchess had declined to accept a clear rent-charge of £.5,000 per annum on the Duke's estate on condition of surrendering to his successor this Post Office annuity, from which supposed preference for the latter, it was inferred, that it must have been equivalent in value to the rent-charge; but it appears, from a recital of circumstances, stated in a Decree of the Court of Chancery, in an amicable suit in 1740, that although the Duchess continued till that period to receive the pension, she must in fact have transferred it to the Duke's representative, as she had made her election to accept the rent-charge; and by this Decree it was directed, that the Duke should receive the pension in future. It seems, therefore, that it was a misapprehension on the part of the Petitioner to infer, from the continued nominal receipt of the pension by the Duchess, that she had declined the rent-charge.

It appears that the whole amount of personal property in the City of London, which was by law equally liable with the realty and with pensions to the Land Tax assessment, paid no more than £.1,100 or £.1,200, while the realty paid £.87,000; and while the pensions assessed at the Excise Office and at the Post

Q. 133.
Q. 137 to 141.

Post Office paid £.5,540, of which the Duke of Marlborough's pension contributed £.1,000. In order to explain the low amount of personal property assessed to the Land Tax in the City of London, it must be observed that it was stated in evidence that the Commissioners exercised considerable discretionary power in levying that assessment upon personal property in general, while they do not appear to have exercised any such discretion in respect either to the realty or to pensions. Mr. Till, clerk to the Commissioners of Land Tax for the City of London, accounts for this uncertainty of assessment as follows:

"Under the original terms of the Land Tax, was not all personal property as liable to the deduction of 20 per cent. as the realty?—Just the same; but in the practice of the Act the major part of the quota became chargeable on realty for the best of all reasons, for it was easier to charge it on the real estate; the persons who had to make the assessment, assessing by law in the different districts, are instructed in the sort of subjects to be charged; the first subject was personal estate; the second was to meet the annual deficiency arising from personal estate on real estate; instead of assessing the larger amount on personal estate, and the lesser on real, I understand they got into the practice of assessing the larger amount on real estate, and a very small amount on personal estate; and so it continued down to the time when the Redemption Act divided the two accounts; then it was continued annually to be so raised." Q. 133.

Whereas, with regard to Pensions, it appears, by reference to the Land Tax Acts, 6 Anne, c. 1, s. 33; 7 Anne, c. 1, s. 33, that public officers were directed, on request of the assessors to the Land Tax, to deliver true lists or accounts of all Pensions payable by them for the better guidance of the Assessors in charging the same; and that if the said tax should not be paid by the person liable to the same, the public office should detain and stop the same out of any monies which shall be paid on account of such pension; and the said officers were charged to keep true accounts of all monies stopped; and upon request, to give copies of such accounts to the collectors where the monies were so assessed.

But at the public offices no accounts of such stoppages are found earlier than 1746, though account books have been produced from the Post Office, showing the annual payment in gross to the Duke of Marlborough, the Duchess and their heirs; and even after 1746, the stoppages appear only in a memorandum-book, kept for the guidance of the clerks in making the deductions on payment of the pensions. The return from the clerk to the Commissioners of the Land Tax in the City of London shows, however, that an amount of from £.5,080 to £.8,080 was paid in the several years between 1706 and 1711, and that afterwards the amount varied according to the number of pensions and the rate of the tax, so that in 1732 and 1733 the whole amount levied was only £.885. It is fit that the circumstances under which the Land Tax was granted in the reign of Queen Anne should be stated, to enable the House to form a just judgment with regard to the allegation in the Petition, that this deduction, if imposed permanently, would be contrary to the intent of the Act by which the pension was conferred. The grant of the Land Tax in 1706 for the following year, immediately preceding in the same Session the grant of the pension, is in these terms, which are used in several other Land Tax Acts in former and in subsequent years:

"Most Gracious Sovereign, We, your Majesty's most dutiful and loyal subjects, the Commons of England in Parliament assembled, being desirous to assist your Majesty with such supplies of money as (with the continuance of God's blessing upon your Majesty's most glorious Undertaking) may be sufficient to enable your Majesty to bring the present war to a happy conclusion, in establishing the future safety and tranquillity of your subjects, and the security of the Princes and States in alliance with your Majesty, have cheerfully and unanimously given and granted,"

granted," &c. It is therefore clear, that this was then considered as a tax voted from year to year during the continuance of the war, and to be equally imposed upon all property; and although eventually it was not repealed, it was reduced at the Peace of Utrecht, in 1713, from 4*s.* to 2*s.* in the Pound, and subsequently to 1 *s.*; but it was raised again, first to 2 *s.*, and then to 4 *s.* Upon these facts, the assertion in the Petition is founded, "That the annual renewal of this tax was by no means then in the contemplation of Parliament, and that least of all could it be anticipated that, in the midst of a long peace, it would be proposed to fix it permanently on this grant, when personal property has recently been exempted from it at the highest rate of the War Duty. But it is also contended by the Petitioner, that it would be peculiarly unjust to impose by our Act so heavy a burden permanently on the Memorialist, which was intended by our ancestors to commemorate the services of their great General, and the glory of the British Army, when it has been the uniform practice of Parliament, during the last 60 years, to exempt every grant for eminent services, whether military or civil, from all taxes and deductions whatsoever. It is also alleged in the Petition, that this course was adopted on the first occasion of a Parliamentary grant for public services; subsequently to this Act of Queen Anne, and that on the death of Lord Chatham, in 1778, it was stated in the House of Commons, that it was not liberal to deduct the Land Tax from his Annuity, when it was considered that the Marlborough family had always received £. 5,000, free from all deductions.

Parl. Hist. v. 19. May 21, 1778. 18 G. 3, c. 65, s. 6.

The assertion of this immunity, though incorrect, does not appear by the Report in the Parliamentary History to have been contradicted; and the provision for the title of Chatham was granted "clear from all taxes, impositions, and other public charges whatsoever."

It appears from a return of the Pensions paid out of the Consolidated Fund, that since the American and French wars, more than twenty Acts of Parliament have conferred remuneration on distinguished individuals for eminent services, and in all these Acts, including the analogous cases of Lord Nelson and the Duke of Wellington, to which the Petition refers, the precedent adopted in Lord Chatham's case, of exempting them from public charges, has been uniformly followed.

Your Committee now call your attention to the Sixpenny and Shilling duties, which, though they existed during a great part of the last century, have only been deducted from the Marlborough grant in the present. In 1721, Parliament enabled the Crown to raise the sum of £. 500,000 by granting annuities, the interest of which was to be defrayed, as expressed in the resolution of the Committee of Supply, 14 July 1721, by causing a deduction, not exceeding sixpence in the pound, to be made on the salaries, wages, pensions or other payments from the Crown. But the pension of the Duke of Marlborough was never assessed under the operation of the Act for granting these annuities. In 1757 the expenses of the seven years' war induced Parliament to impose an additional duty of One Shilling on Pensions, and the Act for this purpose would have affected the Duke's Pension, if in the following Session it had not been amended by another Act, by which Pensions granted in fee or fee-tail were exempted from its effect. An Act was passed in 1808 to consolidate these two duties, and place the collection of them under the Commissioners of the Property Tax for one year; they were only authorized to levy them upon those Salaries, Offices and Pensions "upon, for or in respect of which they were before charged or chargeable;" but as this Grant was not charged or chargeable to them before the passing of this Act, it was not intended to affect it, and could not do so by any just construction. But in 1809 another Act was passed, of which the title is, "An Act for continuing and making perpetual several Duties of One Shilling and Sixpence;" this Act appears clearly to have been only intended to continue those duties already collected, and to make them permanent; but from the wording of the Schedule in which the

7 G. 1, c. 27.

31 G. 2, c. 23.

32 G. 2, c. 33, s. 13.

48 G 3, c. 2.

49 G. 3, c. 32.

the exemptions were stated, this Grant then first lost that immunity which had been secured to it during fifty years from one of those taxes, and during more than eighty from the other.

Mr. Bowden states, " that these duties were first ordered to be deducted in the year ending 5th January 1810, but afterwards, in the year ending 5th January 1811, that the deduction did not go far enough back, and it was ordered that they should be deducted for one year to the 5th of April 1809." Your Committee does not understand on what construction of the Act of 1818 this direction can have been given by the Treasury.

The correctness of the principal allegations of fact contained in the Petition of the Duke of Marlborough having thus been examined, Your Committee does not feel itself authorized by the terms of reference to state any opinion thereon, but submits the case, with its attendant circumstances, to the consideration of The House.

2 *June* 1837.

LIST OF WITNESSES.

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MINUTES OF EVIDENCE.

Jovis, 18° *die Maii*, 1837.

MEMBERS PRESENT :

Sir Robert Inglis.	Mr. P. Howard.
Mr. Aglionby.	Viscount Mahon.
Mr. Baines.	Sir Stratford Canning.
Mr. Hume.	Marquis of Chandos.
Sir James Graham.	Sir Robert Price.

GEORGE G. HARCOURT, ESQUIRE, IN THE CHAIR.

Mr. *Charles Corbet Wilson*, called in; and Examined.

Mr. *C. C. Wilson.*

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1. *Chairman.*] THE Committee understand you are in possession of an extract from the Will of John Duke of Marlborough?—Yes.

2. Is it an official extract?—It is.

[*The same was delivered in.*]

EXTRACTED from the Registry of the PREROGATIVE COURT of *Canterbury*.

IN the WILL of *John* Duke of *Marlborough*, deceased, dated the 19th of March 1721, is as follows:—

I GIVE and devise all and every my lordships, manors, messuages, lands, tenements and hereditaments, situate, lying and being in the several counties of Northampton, Oxford, Wilts and Hertford, or elsewhere in England, not settled by Act of Parliament, as well those purchased by or in the names of my trustees, as all others to which I am entitled in law or equity (except my mortgages or real securities for money), unto the said Sarah Duchess of Marlborough, John Duke of Montagu, Scroope Duke of Bridgewater, Francis Earl Godolphin, and the honourable William Clayton, of the city of Westminster, esquire, the said William Guidott and John Hanbury, of Pontz Pool, in the county of Monmouth, esquire, their heirs and assigns, to and upon the several uses, trusts, intents and purposes hereinafter mentioned concerning the same; (that is to say), In the first place, to the intent and purpose that my said dear and well-beloved wife, Sarah Duchess of Marlborough, and her assigns, annually, for and during the term of her natural life, shall and may have, receive and take from my decease one annuity or yearly rent-charge of five thousand pounds of lawful money of Great Britain, to be issuing and going out of and charged upon the same premises and every part and parcel thereof (except out of my mansion-house, outhouses, gardens and appurtenances at Hollywell aforesaid, and my messuages, lands, tenements and hereditaments at or near Saint Alban's aforesaid, and out of my manor of Sandridge, and the messuages, lands, tenements and hereditaments thereunto belonging, situate, lying and being in the said county of Hertford, late the estate of Richard Jenyns, esquire, late father of my said wife), the same to be paid by equal quarterly payments at the four most usual feasts or days of payment in every year, (that is to say) the feasts of the Annunciation of the Blessed Virgin Mary, of the Nativity of Saint John the Baptist, of Saint Michael the Archangel, and of the birth of our Lord Christ; the first payment thereof to begin and be made at such of the said feasts as shall first happen next after my decease, without any deduction or abatement thereout for or by reason of any taxes, charges or impositions imposed or to be imposed by authority of Parliament, or otherwise howsoever; and if the same, or any part thereof, shall be behind and unpaid for the space of twenty days next after any of the feasts or days of payment in the year on which the same ought to be paid as aforesaid (being lawfully demanded), that then and so often it shall and may be lawful to and for my said wife and her assigns, during the term of her natural life, into and upon the same manors, messuages, lands, tenements, hereditaments and premises chargeable therewith, or any

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of them, or any parts thereof, to enter and distrain for the same, and the distress and distresses then and there found to detain and keep until she shall be fully paid and satisfied all such arrearages, with the costs and charges in and about the making and keeping thereof; and in case the said annuity or yearly rent-charge of five thousand pounds, or any part thereof, shall be behind and unpaid for the space of forty days next over or after any of the said days of payment, whereon the same ought to be paid as aforesaid, that then and so often it shall and may be lawful to and for my said wife and her assigns, during the term of her natural life, into all and singular the said manors, messuages, lands, tenements, hereditaments charged therewith as aforesaid, or any part thereof, to enter, and the rents, issues and profits thereof to receive and take, until she and they therewith and thereby, or by the person or persons who shall be then entitled to the immediate possession of the premises, be paid and satisfied the same, and every part thereof, and all the arrears thereof incurred before, and that shall incur during such time as she or they shall receive the rents, issues and profits thereof, or be entitled to receive the same, by virtue of such entry to be made as aforesaid, together with her and their costs, damages and expenses laid out and sustained by reason of the nonpayment thereof, or any part thereof, which said annuity or yearly rent-charge of five thousand pounds for her life I intend to be and shall be in lieu and stead and to be accepted by her in lieu and stead of the said five thousand pounds pension per annum, limited to her by Act of Parliament made in the said fifth year of the reign of her late Majesty Queen Anne, intituled, "An Act for settling upon John Duke of Marlborough, and his Posterity, a Pension of Five Thousand Pounds per Annum, for the more honourable support of their Dignities, in like manner as his Honours and Dignities and the Honour and Manor of Woodstock and House of Blenheim are already limited and settled," if she, my said wife, shall think fit to accept the same in lieu as aforesaid, provided that if she shall not, within the space of two years next after my decease, in writing under her hand and seal, testified by two or more credible witnesses, and delivered or tendered within the said time to my said other trustees, some or one of them, or to the heirs of the survivor of them, declare such her acceptance, and within that time also surrender her estate and interest in the said pension of five thousand pounds per annum to the person that shall then be entitled to the same in remainder next after my said wife, that the payment of the said five thousand pounds per annum hereby charged on the premises aforesaid shall cease and be void.

Probatum apud London. 6° Julij 1722 coram venerabili viro Domino Nathanaele Lloyd milite Legum Doctore Surrogato juramentis nobilissimæ fœminæ Saræ Ducissæ Dotissæ Marlburiensis prænobilis et præhonorandi viri Francisci Comitis de Godolphin Gulielmi Clayton Guidott et Johannis Hanbury quinque Executorum in dicto Testamento nominat. quibus commissa fuit administratio de bene, &c. Jurat. reservata potestate similem commissionem faciendi nobilissimis viris Johanni Duci de Mountagu et Scroope Duci de Bridgewater cæteris Executoribus in dicto Testamento etiam nominatis cum venerint seu alter eorum venerit eandem petitur.

Chas. Dyneley
John Iggulden } Deputy Registrars.
W. F. Gosthing

Mr. *John Bowden*, called in; and Examined.

Mr. *John Bowden.*

3. *Chairman.*] WHAT is your office?—Chief clerk to the Receiver-general at the Post Office.

4. The Committee wish to know whether you can give them any official information from the Post Office with regard to the mode in which the payment of the parliamentary grant made to John Duke of Marlborough, was first made at the Post Office, whether it was made in full, or subject at that time to any deduction made at the Post Office?—I cannot state; the Post Office accounts only show the payment in full, and it never appears in them otherwise, to the Duke of Marlborough, till within these few years; whenever it has been paid, the deduction has not been distinguished in the payment; that has never been considered part of the Post Office accounts.

5. With regard to the deduction, you have no official information?—I have as far back as 1753.

6. State your first knowledge of any deduction?—It goes back at least to 1753; this—(*producing it*)—is an old book, stating the deductions of land-tax to which the Parliamentary pensions were liable.

7. Mr. *Hume.*] What is that book in your hand?—It is a public book, found in the office among the papers; it was kept to enable the clerks to pay the net sums; the salaries were at that time liable to the deduction of civil list duty and land-tax; the book may be considered, I think, as going back to 1746.

8. What were then the deductions, and under what authority were they made?—That I do not know, but I presume they were those made by law; it is stated land-tax

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land-tax at 2*s.* in the pound; Sir Francis Charlton was the receiver in 1746, and his name appears first in the book; it then goes on past 1753, for here is a payment to Lord Clarendon, which ceased in 1753, and that is crossed out; in this book the Duke of Marlborough's pension is stated at 5,000*l.* a year; it is a quarterly payment of 1,250*l.*; land-tax deducted 125*l.*; leaving upon it 1,125*l.*

9. Was there any other deduction made at the time from that pension?—No.

10. What other pensions have you there from which deductions are made in that manner?—The Lord Chancellor's pension of 5,000*l.* a year.

11. Under what authority was that given?—The King's authority; it was the King's private revenue in the reign of George the Second.

12. That was under the sign-manual of the King?—Yes, or a grant; Lord Clarendon, 4,000*l.* a year; the Duke of Grafton, 4,700*l.*; and the representatives of the Duke of Schomberg for his annuity, 4,000*l.*

13. Does it appear that the deduction of 2*s.* for land-tax is made equally from them all?—Yes, it is 2*s.* on each of them.

14. Does it appear that in subsequent years the same deduction was made according to the document in your hand?—This appears to have been a book used continually from the time it was first made, as long as the payments were made, to enable the clerks to pay the gross sum; these show the gross payment to the parties, the net being the amount due to them.

15. Marquis of *Chandos.*] What is the title of that book?—It has no title at all; it is a mere memorandum for the clerks to pay the amount.

16. Have you any means of knowing whether it is an accurate account?—I find it agrees with the other accounts of the office.

17. *Chairman.*] Do you mean to say that you apprehend in subsequent years the payment corresponded with that account?—The net payment, I apprehend, unless the land-tax varied, or was increased or diminished.

18. The net payments must vary according to the land-tax, therefore they could not be guided by that book?—Not if the amount varied, certainly.

19. Sir *Robert Inglis.*] Do the sums vary in each year?—There is one sum for the whole period; and so long as the tax remained at 2*s.*, it would be right; when the tax was altered from 2*s.*, I am not prepared to say.

20. Mr. *Aglionby.*] What is the last date in that book?—It has no date at all; but I find that Lord Clarendon's pension was charged with land-tax in this book, and it was crossed out; and I find also that Lord Clarendon died in 1753.

21. Is there any thing at the end of the book to show to what time it comes down?—No.

22. It may have come down later than 1753?—I suppose it went down till the land-tax varied.

23. Mr. *Baines.*] That is an entry, not of payments, but of certain deductions to be made on payment?—No, it is a mere schedule, showing what the pensioners were to be paid.

24. Mr. *Aglionby.*] Have you any thing to show of what utility that could be in the office, as you are understood to say that the Post-Office clerks paid the gross sum?—No; they paid the net sum to the parties, but they entered the gross sum in the books.

25. *Chairman.*] Under what authority did they make the deduction?—Under the authority of the Commissioners of Land-tax, they issued a precept to return all pensions liable to land-tax, payable in the different departments.

26. Mr. *Hume.*] That rule appears to have been applicable to all the other pensions paid by the Post Office department, besides the Duke of Marlborough's?—Yes, I can speak from my own knowledge to that being the practice of the office.

27. *Chairman.*] Can you inform the Committee to whom this grant was paid after the death of John Duke of Marlborough; was it paid to Sarah Duchess of Marlborough?—It was; I find the first payment was made to Sarah Duchess of Marlborough between the 18th and 25th of February 1722, for one quarter's pension due Midsummer 1721.

28. Mr. *Hume.*] Does that appear to be a payment in full?—One thousand two hundred and fifty pounds.

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29. Have you any memorandum of any deduction made at that time?—No.

30. That memorandum-book you have produced does not go so far back as that?—No, it does not.

31. *Chairman.*] How long did she continue to receive it?—Till 1740.

32. Mr. *Aglionby.*] Between those periods of 1722 and 1740, do you find any memorandum whatever of any deduction from any other pensions?—None whatever.

33. Sir *James Graham.*] Do you find any further payment made besides that to the Duchess of Marlborough between 1722 and 1740?—No; no further payment to any other person.

34. Mr. *Hume.*] Can you tell under what authority the alteration of payment in 1740 was made?—Under a decree of the Lord Chancellor; it appears by the decree of the Lord Chancellor, made on the 30th of June, in the 14th year of his Majesty George the Second, between the most noble Sarah Duchess Dowager of Marlborough and others, plaintiffs, and the most noble Charles Duke of Marlborough and others, defendants, it is ordered that the defendant, the Duke of Marlborough, be permitted to receive the growing payment of the said pension of 5,000 *l.* a year out of the Post Office.

35. Mr. *Hume.*] The Committee observe there are deductions in page 4 of the book you have delivered in of the fees in every case except that of the Duke of Marlborough; how do you account for that?—He was exempt by Act of Parliament.

36. You mean the fees on the payment?—The receiver-general had a fee, a half per cent., on all pensions payable under these grants, except that to the Duke of Marlborough.

37. Is it stated in the Act that he should be exempt from that?—Yes; it is the 5th of Queen Anne, c. 4, s. 2; the words are, "And be it further enacted by the authority aforesaid, that the said annuity or yearly pension of five thousand pounds hereby enacted to be paid as aforesaid shall be paid by the immediate hands of all and every the commissioners, post-masters, farmers, treasurers, receivers and collectors for the time being of the said revenues respectively by authority of this Act, without any further or other warrant, order or direction to be obtained for that purpose, and without any fees or charges to be demanded or taken for paying the same or any part thereof unto the said John Duke of Marlborough, and to all others severally and successively to whom the same shall after the decease of the said Duke come, descend, remain or belong by virtue of this Act, when and as they shall respectively become entitled to receive the same, at the aforesaid four most usual feasts or days of payment in the year; the first of the said payments to be made on the feast of the Annunciation of the Blessed Virgin Mary now next ensuing; and the payment of the said annuity or yearly pension of five thousand pounds hereinbefore enacted to be paid as aforesaid shall not at any time hereafter be stopped or delayed by any order or direction whatsoever; and if the said commissioners, postmasters, farmers, treasurers, receivers and collectors for the time being of the said revenues or any of them shall refuse or neglect to pay the said annuity or yearly pension of five thousand pounds hereby enacted to be paid as aforesaid, or any part thereof, to the said Duke of Marlborough, or any other person to whom the same after the decease of the said Duke shall come, descend, remain or belong by virtue of this Act, then the said Duke and every other person respectively being entitled to receive the same as aforesaid may sue, prosecute and implead the said commissioners, postmasters, farmers, treasurers, receivers general and collectors, or any of them, and all or any of their securities, heirs, executors and administrators, by bill, plaint or action of debt, and shall and may recover judgments and sue out executions thereupon against the said commissioners, postmasters, farmers, treasurers, receivers and collectors respectively, and their respective securities, heirs, executors and administrators, for such sum and sums of money then due and owing upon the said annuity or yearly pension as shall be in the hands of the said commissioners, postmasters, farmers, treasurers, receivers and collectors respectively of the said revenue at the time when demand shall be made of the payment of the said annuity or yearly pension, or any part thereof, or of any arrears thereof."

38. Sir

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38. Sir *Stratford Canning.*] Was that a singular exception?—It was singular.

39. You do not find the same words in any other Act?—No, I am not aware of them; we have always deducted the fees from every other payment, and do down to the present time.

40. Mr. *Hume.*] It appears in the book you have produced, that from the Lord Chancellor's Pension List, besides the deduction for the civil list, there are fees, 6*l.* 5*s.*; also from Lord Clarendon's, beside the deduction of land-tax, there are fees, 5*l.* 5*s.*; but under the head of Duke of Marlborough there is only the deduction of 125*l.* land-tax, and no fees; do you understand that the fees alluded to there as not to be chargeable, are those which were not deducted, as appears by this book?—Certainly.

41. By what Act did the Duke of Grafton receive his annuity?—There is no Act of Parliament for that.

42. Besides the deduction of 117*l.* 10*s.* for land-tax on the Duke of Grafton's pension, there are fees 5*l.* 17*s.* 6*d.*; do you consider that those are the class of fees and charges from which the Duke of Marlborough's pension is exempted by the clause you have now read?—I conceive so.

43. Sir *Robert Inglis.*] Was the Duke of Grafton entitled to the whole or any portion of the pension granted originally to the Duchess of Cleveland?—He inherited the whole of it, 4,700*l.* a year.

44. Of course you trace that pension from the time of its original grant, in the reign of King Charles the Second?—Yes; by what is called a dormant warrant.

45. Mr. *Hume.*] There is a division in the payments of 2*s.* in the pound for land-tax and the civil list; does the sum that was deducted include the payment to the civil list also?—Neither the Duke of Marlborough's pension nor any of the pensions were liable to the civil list at the time of that book, nor up to the year 1810, or thereabout.

46. *Chairman.*] It was by the Act of 1809 they became liable, was not it?—I do not recollect the date, but there was before an exemption on all pensions in fee and fee tail, and by that Act the exemption was left out.

47. Have you any further information respecting the payment of the pension granted to the Duke of Marlborough?—I find that there was a decree of the Master of the Rolls, date the 21st of April 1744, upon petition by Charles Duke of Marlborough; a receiver was appointed, and directed to pay 4,000*l.* per annum to the Duke of Marlborough and others, plaintiffs, or those claiming under them, and to be allowed a salary of 50*l.* per annum for his trouble.

48. To pay from what fund?—He would deduct his salary from what he received.

49. Mr. *Hume.*] Does it appear by the books that at that time the 5,000*l.* was charged in full, though you are only directed by that decree to pay him 4,000*l.*?—No, there is nothing appears in the book that I have found.

50. Sir *Robert Inglis.*] You have found the books?—Yes.

51. Sir *James Graham.*] There are books extant of the payments made in 1744?—Yes, but they would show only 1,250*l.* paid quarterly to the Duke of Marlborough.

52. They show a payment of the gross sum of 5,000*l.* a year?—Yes.

53. Mr. *Aglionby.*] Do you find that extract from the decree in the chest of the Post Office?—In the entry book of records of the Receiver General, where I found the other decree.

54. Would it be found there unless it referred to that pension granted?—Certainly not. I should read this, that the receiver was to receive the amount of the pension, and to pay 4,000*l.* as there directed, and the remaining amount as the law would direct.

55. Sir *James Graham.*] The receiver was to receive 50*l.* a year in addition to the 4,000*l.* to be paid under the decree?—That would not be the way we should understand it.

56. Sir *Robert Price.*] You considered that the 4,000*l.* was to be paid only in part, and the remaining 1,000*l.* to be paid to another party?—The receiver was appointed and directed to pay the 4,000*l.* per annum.

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57. On what ground do you doubt that the 50*l.* was to be paid beyond the 4,000*l.*?—We should take credit for the 5,000 *l.*, and assuming that the land-tax was 1,000*l.* we should pay him only 4,000*l.*

58. Out of what fund would the 50*l.* be paid, if the 4,000*l.* was paid under the decree and 50 *l.* for the receiver, and there was a deduction of 1,000 *l.* a year for land-tax; what fund would be available for that payment?—No Post Office fund.

59. Why is it entered in your books?—Because it is a copy of the decree in Chancery, that he was to be entitled to it for his trouble.

60. Mr. *Hume.*] Would he not be entitled to deduct it from the amount he received, and pay over the remainder?—So I should understand it.

61. Mr. *Aglionby.*] Have you any means of ascertaining from any books in the Post Office how the remaining 1,000 *l.* was appropriated, whether for the land-tax or for any other purpose?—No; there was another decree appointing another receiver the 20th of April 1757, in the same terms; my memorandum is, appointing another receiver, reciting the above decree.

62. Can you inform the Committee, whether between the year 1744 and 1757 any alteration of the land-tax had taken place?—I cannot; I also find on the 1st of February 1760 an assignment by the Duke of Marlborough of 5,000 *l.* per annum to Robert Butcher, in trust, to pay his mother 4,000 *l.* per annum during their joint lives.

63. Sir *Robert Inglis.*] What was the amount of the land-tax at that time?—I do not know.

64. *Chairman.*] Does the minute state what was to be done with the other 1,000 *l.* a year?—No.

65. Sir *Robert Inglis.*] From the grant of the pension to the present year, has the Post Office paid the gross sum of 5,000 *l.*, and charged the same to the account of the pension of the Duke of Marlborough?—I find it invariably so; I should rather say up to within the last two or three years.

66. Mr. *Hume.*] Was that alteration by Act of Parliament or Treasury order?—The Act of Parliament made the pension liable, but the Treasury order, I think, directed us to make the net payment to the parties.

Mr. *Richard Till*, called in; and Examined.

Mr. *Richard Till.*

67. *Chairman.*] WHAT situation do you hold?—I am clerk to the Commissioners of Land-tax in the city of London.

68. The Committee wish for information from you with regard to the earliest deductions, of which you have any knowledge, made for the land-tax from the Parliamentary grant to the Duke of Marlborough?—The earliest original document I have in my possession, the Assessments and Proceedings of the Commissioners of Land-tax for the city of London, is dated the 30th of April 1760.

69. What does that purport to be?—It purports to be the "Proceedings of the Commissioners of Land-tax, Wednesday, 30th of April 1760; the Right honourable Sir Thomas Chitty, Knight, Lord Mayor, and several present this day, took the oaths appointed to be taken; James Dobson was appointed clerk," and so on; it appears to be the Minutes of Proceedings of the Commissioners.

70. Will you turn to the first entry bearing on the deduction from the pension of the Duke of Marlborough?—At a subsequent meeting, Friday 23d day of May 1760, "This day the Commissioners proceeded to assess the several persons having shares or interests in the New River, and other waters and water-works, the Assurance Office, called the Sun Fire Office, the King's Printing House, and the Hudson's Bay Company, that is to say;" then it repeats those items, and, in continuation of it, "List of the several Salaries and Pensions payable at the Post Office and Excise Office being laid before the Commissioners, the said Commissioners proceeded to assess the same as followeth, that is to say;" then it recites several items of charge, and, amongst others, pensions payable to his Grace the Duke of Grafton, his Grace the Duke of Marlborough 1,000 *l.*, as a tax upon that pension.

71. Sir *James Graham.*] Was that a general assessment of 4 *s.* in the 1 *l.*?—I know that it was in that year; I know that from having prepared a document to that effect.

72. Is the amount the same as to each pension?—No; in the case of the Duke of Grafton, it is 940 *l.*; his Grace the Duke of Marlborough, 1,000 *l.*; the heirs of the Duke of Schomberg, 800 *l.*

73. In what year was the land-tax first imposed?—In 1692.

74. From 1692 to 1760, have you any documentary evidence in your office?—Yes, I have.

75. From what date downwards?—The evidence I have are extracts from the Minutes of the Commissioners; they begin date in 1700.

76. Have you looked through these memoranda with reference to deductions appearing to have been made from the pension of the Duke of Marlborough, or other pensions, payable either at the Post Office or the Excise?—Yes, I have.

77. Have you perused the whole of the memoranda?—Yes, I have.

78. In those memoranda, do you find any record of deductions made from any pensions?—Yes, I do.

79. Specify those deductions, and the dates?—The first I find is in 1704, when the Treasury rate in the pound is 4*s.*; and I find the following memorandum, "Post Office Pensions assessed at 5,080*l.*"

80. Is that the whole memorandum relating to the Post Office?—No; I find also a further memorandum, "Post Office Pensions again repeated 5,080*l.*;" that appears to be a repetition of the former assessment at the same date.

81. There is no specifications of the particular pensions for which this charge is made by the Post Office?—None.

82. Have you in your books a specification of what the particular pensions payable at the Post Office were?—No, I have none.

83. Do you find any further memoranda?—In 1705, 400*l.*; Post Office pensions 5,080*l.*

84. Mr. *Hume.*] You have no detail of the number of pensions?—No.

85. Sir *Robert Price.*] Is there any detail before the year 1760?—No.

86. Sir *James Graham.*] Do you find, year by year, a deduction made from the Post Office pensions in these memoranda?—I do.

87. Year by year, from 1700 to 1760?—No, I think there is one year in which they do not occur.

88. Do you find any entry in 1702 and 1703?—I find only this memorandum, "Treasurer of the Post Office refuses to return list of pensions payable there." I find no memorandum of an assessment in that year.

89. In the year 1704 and 1705, do you find any addition to the sum of 5,080*l.*?—I find it 5,080*l.* in 1704, and the same in the year 1705 and in 1706; in 1707 the same, in 1708, 5,780*l.*

90. Is the assessment the same?—Yes, at 4*s.* in the pound.

91. Are there any means in that book of tracing the source of increase?—There are not; in 1709, 6,080*l.*; in 1710, 7,280*l.*; in 1711, 8,080*l.*

92. The rate of the tax remaining the same?—Yes.

93. Mr. *Hume.*] Still there is no list of the pensions?—No, in 1712, 3,715*l.*

94. Had the rate of the tax been diminished?—No, the Act requires that the Commissioners should apply to the proper officer at the Post Office; such officer to make returns of all pensions payable out of that branch of the revenue, and which return is certified to the Commissioners of Land-tax for the city of London, who then make this assessment.

95. Mr. *Aglionby.*] To what Act do you refer?—The Land-tax Act; the last Act was 1798; they were annual Acts from 1692 to 1793.

96. Sir *James Graham.*] Did the Post Office uniformly make that return?—In the instance that I have referred to, it would appear they had omitted to make the return, and that the treasurer was called on to make it; ever since I have been in the office, they have made the return.

97. Do you find any entry in 1701 on the subject of the Post Office making that return or withholding it?—I do find an entry, dated 1701; "the Post Office refuse to return list of pesions, salaries, &c."

98. *Chairman.*] In the year 1713 it was less than in 1712, was it not?—Post Office pensions 1,770*l.*, the rate being 2*s.* in the pound.

99. What was the amount in 1732?—At 1*s.* in the pound the Post Office pensions 885*l.*

100. Sir *James Graham.*] There is still no specification of the pensions charged?—No.

101. Mr. *Aglionby.*] Have you any document on which it would appear what were the grounds for the refusal of the Post Office to make a return in 1701?—No, I have searched all the documents in the office, and can find no reference to the correspondence.

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102. Sir *James Graham.*] Those are the only memoranda you could find?—Those are the only memoranda applying to the case; I have found down to the year 1760, from which period the documents are as perfect as they could be.

103. Mr. *Hume.*] To what office do the Commissioners of the city of London make their return of the monies collected?—A return of the monies collected is made to the Board of Stamps and Taxes; it was to the Board of Taxes in Somerset-house, but they are only cognisant of the money; they are not cognisant of the items of assessment.

104. Do you not deliver in a schedule at the time the account is returned of the monies you have collected, and the assessment under which that money has been paid?—Yearly I deliver in an account of monies raised, but it does not include the particulars or items on which the money is raised, otherwise than on the different heads of land-tax, personal duty, pensions and offices.

105. Is there any schedule sent in by you to enable the Land-tax Office to ascertain what have been the items on which you have made that assessment?—None whatever; the detail would be annually about 18,000 assessments; the amount we raise is raised by the assessments on the inhabitants of the city of London, and contains assessments of 17,000; the gross amount which is given in to the Board of Taxes annually, as prescribed by the Act, and we have to account to the Treasury for the amount so raised.

106. Is there not a schedule for each individual parish in the city of London?—Only under the various heads in that parish of land-tax, personal duty, pensions and offices.

107. Sir *James Graham.*] From the earliest period there never has been any other return made by you to the Tax Office?—No; that is, as specified by the Act of Parliament.

108. Mr. *Aglionby.*] Do you keep any record of the individuals assessed?—Always; they are in the office.

109. But are never returned to the Land-Tax Office?—No; the schedules relating to the assessments made on the Post Office and the Excise Office are not to be found in the office.

110. Sir *James Graham.*] If the detailed schedule were to be found any where, it must be in your office?—It must be in my office if any where.

111. Can you give the result of the most minute research on the subject of the Duke of Marlborough's pension?—Yes.

112. From the year 1760 it is perfect and complete?—It is.

113. But prior to that, all the information you can give is that you have given?—Yes.

114. Mr. *Hume.*] Are the Committee to understand that there was an application made to the Post Office to know what pensions were chargeable; and that on receiving that return from your office, the Commissioners made the assessment?—Yes, that was at the earliest period.

115. Sir *James Graham.*] You have no evidence on the subject from 1700 to 1760 other than the memoranda you have read?—None.

116. *Chairman.*] Is that now shown you a letter you addressed to an agent of the Duke of Marlborough last year?—This is not my hand-writing, but it appears to be a copy of a letter I addressed to the agent for the Duke.

[*The same was read, as follows:*]

Land Tax Offices, Guildhall Buildings, 9th January 1836.

Sir,—With reference to your inquiry from what year the Duke of Marlborough's pension, payable at the Post Office, was rated to the duty on pensions, offices, &c., I beg to acquaint you, that the earliest date to which our minute books refer, containing the particulars of such assessment, is 1760, when I find the Duke of Marlborough assessed 1,000 *l.* for the tax on his pension.

I find from our records, that the pensions at the Post Office have been assessed by this board since 1700; and in 1707, the gross amount of the assessment was 5,080 *l.*; in the year 1709, I find the amount 6,080 *l.*, both assessments being at the like rate, 4 *s.* in the pound. I conclude, therefore, the Duke of Marlborough was first rated for his pension in the year 1709.

I am, Sir, your obedient servant,

Richard Till, Clerk to the Commissioners.

117. With reference to the inference stated in this letter, from the circumstance of the total deduction in 1707 having amounted to 5,080 *l.*, and in 1709 to 6,080 *l.*, that the Duke's pension had been first assessed in the year 1709, does

does it not occur to you, that the land-tax on pensions having risen in 1708 to the sum of 5,780 *l.*, no inference can be drawn from the difference of amount in the year 1709?—No; I think that there was an unguarded inference; I had no idea of its being of so much importance, or I should have considered it further before I wrote that.

118. Mr. *Hume.*] Have you the details of the individual pensions on which that deduction was made for either 1707 or 1709?—No, I have not.

119. Mr. *Baines.*] What is meant by the statement in your printed letter, from which it appears that in 1710 the amount was 7,280*l.*?—It appears to have been so.

120. *Chairman.*] In the early periods of the land-tax, and indeed until very recently, all personal property was as much subject to this assessment as other property?—All personal property was chargeable towards the amount of the quota raised in the original district under the Land-tax Act up to the year 1798, when the Act for the redemption took place; it was then provided in the Act for the redemption, that the portion of the quota of the land-tax charged on personal property on the district should be separated from the portion charged on real property; that the latter should be made perpetual, and the former carried on by an annual Act.

121. What was the largest amount, as far as you recollect, of the whole assessment upon the personal property; did it ever exceed the sum of about 6,000*l.*?—I can speak only as to the city of London; the proportion raised upon personal property in the city of London never amounted to more than 1,100*l.* or 1,200*l.*, I think; I speak from memory.

122. Mr. *Aglionby.*] Bearing what reference to the whole amount of real?—The whole quota raised in the city of London is 87,000*l.*

123. Sir *James Graham.*] The gross sum is charged on the county of Middlesex?—The city of London has a sum fixed upon itself, apart from the county of Middlesex.

124. The proportion that personalty bears to realty is as one-and-a-half to 84?—It did then; the Act for continuing the personal duty was made an annual Act, and after a time it ceased to be passed; an Act, I believe, was passed recently, which put an end to the personal duty.

125. *Chairman.*] So that, in fact, the duty has latterly ceased on personal property?—The duty on personal property has ceased latterly; I think in 1832.

126. Sir *James Graham.*] Is the whole 87,000*l.* now charged on the realty that was divided in the proportions you mention between the personalty and the realty?—No; the city of London is relieved from the tax on the personalty; there are no assessments on personal property in the city of London now.

127. Then if this pension on the Duke of Marlborough should continue to be charged, it would be an exception to the general rule in that respect?—I think I should explain, that the Act contemplated two sorts of assessment; the one being a personal assessment, and the other being an assessment on pensions and offices; the assessment on the Duke of Marlborough came under the latter, and not under the former.

128. Are you now speaking of the Act which exempted all other personalty, or the other Act?—Of the annual Act which imposed the duty; then the Act was repealed only in respect of that portion which was charged on personal estate, as it was called.

129. The practical effect of the Act was to exempt from the payment of duty all personal property in the city of London, except these pensions?—Yes; and which exception appeared to apply to the persons most able to contribute.

130. The realty has not been charged with an additional burthen?—No.

131. Then, *pro tanto*, the State receives so much less?—Yes.

132. *Chairman.*] The Commissioners must always have exercised a very large discretion of their own in respect to the charge on personal property, if the amount has been so small?—It would appear so; but there has been but very little discretion used; when the separation took place, we found certain companies and persons charged with this personalty; the amount that we were required to raise was a fixed amount, and it was continued on those self-same companies and persons; for instance, the company of the Royal Exchange Assurance Office, and the company of Lloyd's Coffee-house, the principal banking-houses and others, were the principal subjects of charge of this personalty;

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they were continued from year to year assessed to the same amount, that amount alone being wanted.

133. Under the original term of the land-tax, was not all personal property as liable to the deduction of 20 per cent. as realty?—Just the same; but in the practice of the Act, the major part of the quota became chargeable on realty for the best of all reasons, for it was easier to charge it on the real estate; the persons who had to make the assessment, assessing by law in the different districts, are instructed in the sort of subjects to be charged; the first subject was personal estate; the second was to meet the annual deficiency arising from personal estate on real estate; instead of assessing the larger amount on personal estate, and the lesser on real, I understand they got into the practice of assessing the larger amount on real estate, and a very small amount on personal estate; and so it continued down to the time when the Redemption Act divided the two accounts; then it was continued annually to be so raised.

134. Mr. *Aglionby.*] In point of practice, the mode of assessment appears to have been left very much to the assessors?—The Act of Parliament stated the items of charge; the assessors were the persons to carry that into execution.

135. And they carried it into effect according to their own judgment?—Under the control of the Commissioners.

136. Did the Commissioners exercise any control to compel them to make an equitable assessment?—The Commissioners were directed to sign and approve, and sometimes they exercised their power of rejecting the assessments, when the assessors did not in their judgment make a fair and equitable assessment.

137. Sir *James Graham.*] Practically, under the assessment for the city of London, out of the amount of 87,000*l.* a year, they levy about 1,100*l.* to 1,200*l.* on personalty?—Yes.

138. On the pensions they levied, how much?—The pensions are of variable amount.

139. Take the year 1815?—The tax paid in that year was 5,540*l.*, that was paid in the two offices, the Excise Office and the Post Office.

140. Can you give the precise amount levied on personalty that year?—In that year it was 1,150*l.* 16*s.* 6*d.*, on the realty 87,056*l.* 4*s.* 4*d.*; in that year the Act of Redemption had taken place, there was no power in the Commissioners of Land-tax to raise more of the quota on the real, or less than the amount that was found to be raised in the year 1798.

141. Can you state the sums the year before the redemption in 1798?—I cannot by this book, but they were the same sums, or bore the like proportion, because it became a fixed sum, the sum being fixed by the Act of 1798; it was the like sum to the year 1815.

142. Sir *Robert Price.*] Was it fixed on the personal property as well as the real property?—I should say, in practice, it was equally fixed; the annual Act is not very decisive upon that matter, but nothing more was required of the city of London than that the whole quota, which used to be paid to the State prior to the Act of Redemption, should be paid or accounted for; but the redemption subsequently taking away a certain sum, there remained 87,000*l.*, which the State was satisfied to receive; 87,000*l.* for land, and 1,150*l.* for personalty, which found the sum which, prior to 1798, was raised upon the city of London; therefore in effect that became a fixed sum as much as previously.

143. In fact, it is permanently fixed at 87,000*l.* on the realty?—Yes.

144. And the 1,100*l.* upon the personalty is abandoned?—It is.

145. What Post Office pensions are now charged to the land-tax besides that to the Duke of Marlborough?—The deduction is now made at the Post Office, and we have nothing to do with it.

146. *Chairman.*] In what way is the deduction from those pensions made now paid over to the revenue?—I do not know in what manner the Post Office manage it; up to the year 1832 we made the assessment, and sent a collector to the Post Office, who received from the treasurer the tax, and paid it to the Receiver General, and it was accounted for by the Commissioners; we have nothing to do with it now; the Act has taken it from under the management of the Commissioners of Land-tax for the city of London.

John

John Wood, Esquire, called in; and Examined.

147. *Chairman.*] YOU were asked before the Committee on Agriculture last year this question, which is No. 9121: "From the reign of Queen Anne downwards, has the Duke of Marlborough's pension been regularly charged with 4 *s.* in the pound?" Your answer appears to have been, "I believe it has; I was directed by the Treasury to inquire as to the fact; the question was whether it was paid in the great Duke's lifetime; and I have no doubt it was paid from 15 to 20 years before his death; we are satisfied it was paid for several years, and if the documents are lost or deficient for other years, we presume that it continued." Would you wish to give any explanation on the subject?—The explanation I have to give is contained in a paper presented to the House of Commons, which was ordered to be printed on the 13th of August 1836; it is dated the 12th of August 1836; we have no document in our office which throws any light upon this subject; we receive from the local Commissioners of the city of London a statement of the sum assessed by way of land-tax; they give us no particulars as to the names, but they furnish us with a statement of the sum assessed in the particular district for which they act; they merely give to the Office of Stamps and Taxes the sum due; the sum so assessed is regularly paid, but we know nothing of the particulars; I was therefore obliged to search, at the desire of the Treasury, at the Post Office and the Office of the Commissioners for the city of London, into the detail of the payments so made, and to endeavour to ascertain the pensions on which such payments had been assessed; the result of that search was communicated to the Treasury in a memorandum, bearing date the 12th of August 1836, which memorandum contains, more explicitly than I can give orally, the result of that information, and also the deductions I drew from that information, and the explanation I wish to offer to my answer to question 9121; I will, with the permission of the Committee, read it: "On the 2d March 1836, Mr. Hay, the Deputy Registrar of Land-tax at Somerset House, by the direction of the Chairman of Stamps and Taxes, applied to Mr. Till, the Clerk to the Commissioners of Land-tax for the city of London, for any information which the records of his office could supply, as to the charge for land-tax on the pension of the Duke of Marlborough. The following is a copy of Mr. Till's reply:—'Land Tax Office for London, 2d March 1836. Sir,—In reply to your question, from what period the pension payable out of the Post Office to the Duke of Marlborough has been charged with the duty on pensions, &c. by the Commissioners of Land-tax for London, I beg to say, that on reference to the minutes of proceedings of this commission, I find the said pension has been charged with duty since the year 1760. I am unable to refer to the prior minutes of the Commissioners, and I fear they are mislaid. I find, from an abstract of the proceedings, that in the year 1709 the amount of the duty on pensions payable at the Post Office was 6,080*l.*, and in the year 1710 the amount was 7,280*l.*; the Post Office authorities would therefore be able to tell you what pensions caused this difference. I am, Sir, your obedient servant, *Richard Till*, Clerk to Commissioners. Mr. Hay.' In consequence of the suggestions therein contained, the chairman and Mr. Hay inspected the books of the Post Office, assisted by one of the clerks in that department, from which it appeared that in the year 1701 there was a charge of 3,390*l.* for land-tax at 3*s.* in the pound assessed on the pensions payable out of that revenue, but there is no account preserved of the several persons assessed. For the years 1702 and 1703 the books were not to be found. From 1704 to 1707 inclusive, the charge on pensions for land-tax, at 4*s.* in the pound, was 5,080*l.* In 1708 the assessment so charged was 5,780*l.*, at 4*s.*, and the following pensions were then paid out of the Post Office revenue; viz.—

	£.	*s.*	*d.*
Duchess of Cleveland	4,700	–	–
Earl of Rochester	4,000	–	–
Duke of Leeds	3,500	–	–
Duke of Marlborough	5,000	–	–
Duke of Queenborough	3,000	–	–
Lord Cowper	4,000	–	–
Duke of Schomberg	4,000	–	–
Guy Palmer, Esq.	1,000	–	–
	£. 29,200	–	–

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The above sum of 29,200 *l.*, at 4 *s.* in the pound, would have produced 5,840 *l.*, and the difference of 60 *l.* cannot be accounted for." We have also applied at the Post Office, and that communication is before the House of Commons.

148. You are aware that the answer to this question, such as it appears here, is given without adverting to the circumstance of the variation in the amount of the annual land-tax?—No doubt, at the time the question was put to me, I did not advert to the fact, that the land-tax varied from 1 *s.* to 4 *s.* In 1704, it was 4 *s.*, and continued so till 1709. This is a return furnished to me by Mr. Till, clerk to the Commissioners of Land-tax for London.

[*The same was read, as follows:*]

CITY OF LONDON.

CERTIFICATE of Sums assessed by the COMMISSIONERS of LAND-TAX for LONDON on the Pensions payable out of the POST OFFICE REVENUE from the Year 1698 to 1760.

Years.		Amount of Duty assessed. £. s. d.
1698	There are no Assessment Books.	
1699		
1700	Post Office refused to return lists of pensions.	
1701	Pensions at the Post Office at 2 *s.* in the pound	3,390 – –
1702	No assessment on pensions.	
1703	Treasurer of Post Office refused to return lists of pensions.	
1704	Post Office pensions at 4 *s.* in the pound	5,080 – –
1705	- - ditto - - 4 *s.* ditto	5,080 – –
1706	- - ditto - - 4 *s.* ditto	5,080 – –
1707	- - ditto - - 4 *s.* ditto	5,080 – –
1708	- - ditto - - 4 *s.* ditto	5,780 – –
1709	- - ditto - - 4 *s.* ditto	6,080 – –
,,	- - Further assessment on ditto for the pension of 3,000 *l.* a year payable to the Earl of Mar.	600 – –
1710	Post Office pensions at 4 *s.* in the pound	7,280 – –
1711	- - ditto - - 4 *s.* ditto	8,080 – –
1712	- - ditto - - 4 *s.* ditto	3,715 – –
1713	- - ditto - - 2 *s.* ditto	1,770 – –
1714	- - ditto - - 2 *s.* ditto	1,770 – –
1715	- - ditto - - 2 *s.* ditto	1,770 – –
1716	- - ditto - - 4 *s.* ditto	3,540 – –
1717	- - ditto - - 3 *s.* ditto	2,655 – –
1718	- - ditto - - 3 *s.* ditto	2,655 – –
1719	- - ditto - - 3 *s.* ditto	2,655 – –
1720	- - ditto - - 3 *s.* ditto	2,730 – –
1721	- - ditto - - 3 *s.* ditto	3,780 – –
1722	- - ditto - - 2 *s.* ditto	2,220 – –
1723	- - ditto - - 2 *s.* ditto	2,220 – –
1724	- - ditto - - 2 *s.* ditto	1,920 – –
1725	- - ditto - - 2 *s.* ditto	1,960 – –
1726	- - ditto - - 2 *s.* ditto	1,920 – –
1727	- - ditto - - 4 *s.* ditto	3,780 – –
1728	- - ditto - - 3 *s.* ditto	2,655 – –
1729	- - ditto - - 3 *s.* ditto	2,655 – –
1730	- - ditto - - 2 *s.* ditto	1,770 – –
1731	- - ditto - - 2 *s.* ditto	1,770 – –
1732	- - ditto - - 1 *s.* ditto	885 – –
1733	- - ditto - - 1 *s.* ditto	885 – –
1734	- - ditto - - 2 *s.* ditto	1,770 – –
1735	- - ditto - - 2 *s.* ditto	1,770 – –
1736	- - ditto - - 2 *s.* ditto	1,770 – –
1737	- - ditto - - 2 *s.* ditto	1,770 – –
1738	- - ditto - - 2 *s.* ditto	1,770 – –
1739	- - ditto - - 2 *s.* ditto	1,770 – –
1740	- - ditto - - 4 *s.* ditto	3,540 – –
1741	- - ditto - - 4 *s.* ditto	3,540 – –
1742	- - ditto - - 4 *s.* ditto	3,540 – –
1743	- - ditto - - 4 *s.* ditto	3,540 – –

Years.		Amount of Duty assessed.
		£. s. d.
1744	Post Office pensions at 4*s.* in the pound	3,540 – –
1745	– – ditto – – 4*s.* ditto	3,540 – –
1746	– – ditto – – 4*s.* ditto	3,540 – –
1747	– – ditto – – 4*s.* ditto	3,540 – –
1748	– – ditto – – 4*s.* ditto	3,540 – –
1749	– – ditto – – 4*s.* ditto	3,540 – –
1750	– – ditto – – 3*s.* ditto	2,655 – –
1751	– – ditto – – 3*s.* ditto	2,655 – –
1752	– ditto – – 3*s.* ditto	2,655 – –
1753	– – ditto – – 2*s.* ditto	1,770 – –
1754	– – ditto – – 2*s.* ditto	1,370 – –
1755	– – ditto – – 2*s.* ditto	1,370 – –
1756	– – ditto – – 4*s.* ditto	2,740 – –
1757	– – ditto – – 4*s.* ditto	2,740 – –
1758	– – ditto – – 4*s.* ditto	2,740 – –
1759	– – ditto – – 4*s.* ditto	2,740 – –
1760	– – ditto – – 4*s.* ditto	2,740 – –

Guildhall Buildings,
13 Aug. 1836.

Richard Till,
Clerk to Commissioners of Land-tax for London.

149. Sir *Robert Price.*] You say, "in 1708 the assessment so charged was 5,780 *l.*, at 4 *s.*; and the following pensions were then paid out of the Post Office revenue;" do you mean that at the Post Office those names are found, and those pensions subject to the charge?—I saw them, or most of them, in the book; that account was furnished to me by Mr. Bowden, after Mr. Hay and myself had looked through the books; but I must state, that the books we saw at the Post Office on that day were in a state very different from any books found in the Post Office at present; the book more resembled a kind of banker's day-book than any thing else; there were sums put down which appeared to have been paid across the counter; we did not see any ledger, nor any distinct account-book.

150. Sir *James Graham.*] Was there any schedule of persons to whom pensions were payable in 1708?—We did not see that schedule, but we looked over the books with Mr. Bowden, and selected the names of persons to whom pensions were payable.

151. You found no other names than those amounting to 29,000 *l.*?—No.

152. If the books were not correctly kept, it is not clear that other persons might not receive pensions?—The book we saw was stated to be the account of the Receiver General of the sums he had paid, probably in discharging his account; those several sums appeared to have been paid in the year.

153. Did those names appear collectively in those vouchers as they are here set forth, or were they scattered in several entries throughout the book?—My recollection is, that they were scattered in several parts of the book, and I am confirmed in my recollection by this, that the payments were not made even quarterly, but on account; it was stated to us that they were frequently in arrear; it was stated that hardly in any one instance was the payment actually the exact amount of the pension; so also it appeared that payments had been made in advance; at any rate there are one or two very importunate letters from some of the pensioners, requesting that money should be paid to them; I am speaking from rather a vague recollection, but I think there were several letters from the Duchess of Cleveland, earnestly requesting the payment of a few hundred pounds, from which I infer that her payments were in arrear, or that, being in debt, she was pressing for an anticipation.

154. Were the entries so accurate, that you are certain there were no other payments for other pensions than those alluded to?—The search was made with care, but the books were very differently kept from any books I had seen in other public offices.

155. It was not certain that payments of pensions had not been made that were not entered in that book?—I felt satisfied that those were the only payments of pensions made in that year; I felt no reason to doubt that the whole of the information the Post Office could give was so freely given, the books were so

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canvassed by Mr. Hay and myself, and we were there several days examining them, that I think we were not likely to omit any thing.

156. There was no head specifying pensions?—Not so far as I recollect; it was a book containing payments to a great variety of persons for a great variety of purposes.

157. It would require accurate examination to ascertain that there were none omitted?—The books were not very voluminous.

158. Was there any heading to the account-book?—I do not think there was.

159. The dates of the payments were not uniform?—No; according to my recollection they were very much otherwise.

160. Mr. *Aglionby.*] Did you see a small book, bearing the appearance of a banker's book, which appears to have been kept for the information of the clerks?—I saw a book in Mr. Bowden's hands to-day, which I think was a book I saw before.

161. Were there other persons mentioned besides those you have mentioned?—Not in the years in question, I think; my object was to ascertain whether the pension had been paid, subject to that deduction, during the great Duke's life-time; that was the instruction I received; I consequently endeavoured to ascertain the first year when the Duke of Marlborough's name appeared as pensioner on the Post Office revenue; I believe the year 1708 was the first year in which I so found it; I then added up the amount of pensions paid out of the Post Office revenue in that year in which his name so appeared, and calculating that amount at 4*s.* in the pound, I found it came to 5,840*l.*, which was within 60*l.* of the land-tax payable on pensions, including the Duke of Marlborough's.

162. But that inference would be destroyed, if you omitted to notice any name, and it turned out, on an examination of the books, that any payment had been made on account of pensions that were not inserted in your list?—Certainly.

163. Mr. *Baines.*] Are not those books now forthcoming?—Certainly they were forthcoming to us a year ago, and the greatest facility was shown to us on the part of the Post Office; and it would be much more satisfactory to me if the Committee would be kind enough to call for those books and examine them, rather than trust to my recollection, at a distance of some months; and I may have drawn an erroneous conclusion from those facts which appeared.

164. Mr. *Aglionby.*] Are the Committee to understand that your inquiry was limited to one year?—No, my recollection is that I saw the books for several years, but in the year 1708 I found distinctly the Duke of Marlborough's name occurring, the pension being granted in 1702, and finding that in 1708 the amount at 2*s.* in the pound agreed very nearly with the amount of the pensions charged in that year, as I was led to believe, on the Post Office revenue, my inference was, that during the great Duke's life-time he had submitted to that charge of the land-tax.

Mr. *Henry Hay*, Examined.

Mr. *Henry Hay.*

165. Mr. *Hume.*] YOU have heard the evidence of Mr. Wood?—I have.

166. Did you continue a longer time in searching for those entries than Mr. Wood did?—I did, by perhaps two hours.

167. Sir *Robert Inglis.*] Are you satisfied that in the year 1708 there are no other names in those books mentioned as receiving pensions, except those enumerated in Mr. Wood's memorandum?—Yes, I am. I did not see any other names; a gentleman who assisted me in the examination, and who was acquainted with the annuitants' names, checked my examination, and that was the result.

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168. *Chairman*]. (*To Mr. Wood.*) You stated to the Committee on Agriculture last year, that with regard to the revenue of land-tax on personal property, the Commissioners had always exercised a very large discretion, instead of conforming to the precise provisions of the Act?—Yes, I stated, that though by law personal property was undoubtedly liable to be rated, the Commissioners had not gone to any great extent in so rating it, as they raised without difficulty the amount of the assessment on real property, and, in consequence, the assessment on personal property had fallen very much into disuse.

169. And that, in point of fact, from the beginning, that never did pay anything

thing amounting to 4 *s.* in the pound?—That individuals might pay 4 *s.* in the pound I think is very probable, but that personal property generally paid a very small proportion to the land-tax I think is quite evident.

170. Some individuals, therefore, may have paid more and some less, according to the discretion of the commissioners?—Very much so, even up to a very late period; in the city of London bankers would pay something by way of land-tax on personalty; they appear to have paid year after year, without inquiry and without any appeal; and on particular individuals the personal tax appears to have been continued long after the year 1798; now the personal tax is done away by the Act of the 3d and 4th William IV.

171. Mr. *Hume.*] There appears under your letter in the printed paper, No. 552, dated 13th of August 1836, a document, dated the 21st of March, "Receiver-General's Office, General Post Office," giving details of assessment for a number of years; can you state by whom that was made up?—In the course of the inquiries Mr. Hay and myself made from Mr. Bowden and Mr. Till, the substance of this information, which is dated, "Receiver-general's Office, 21 March 1836," was elicited, and the memorandum, I think, was drawn up by Mr. Bowden or Mr. Young, of the receiver-general's office; we had frequent communication with them all on the memorandum paper which was sent to the Treasury, and I believe the reason this is not signed is, that it was a mere memorandum.

172. Were you cognizant of those particulars before they were sent in to the Treasury?—Yes, those particulars were elicited by the inquiries made by Mr. Hay and myself, and though they are not signed by me, yet I may say that I am in some degree answerable for their accuracy, inasmuch as they were the result of inquiries I personally instituted.

173. They were extracted by yourself and Mr. Hay during your inquiry?—Yes, and by Mr. Bowden and one or two other clerks of the Post Office; there were three or four of us engaged on the inquiry in the city of London, and those were the memoranda we made as the result of our inquiry. Mr. Hay's recollection is, that the result of our inquiries was sent by Mr. Young, the receiver-general of the Post Office, directed to Mr. Baring.

174. Sir *James Graham.*] In the paper No. 552, there appears to be an error in the year 1709, stating the amount at 5,780 *l.*, which ought to be 6,080 *l.*, and also in the land-tax on Post Office pensions in the year 1713, purporting to be a tax at 4 *s.* in the pound, whereas it was only 2 *s.* in the pound; how are those errors accounted for?—I believe the errors are to be accounted for in this way, that in the heading of that column, which appears to have been furnished in the receiver-general's office at the Post Office, they have inadvertently put the tax at 4 *s.* in the pound, instead of distinguishing the various rates of tax which were imposed during the different years.

175. That explains the last error; how do you account for the first error?—This account was furnished to us in March 1836, and by us transmitted to the Treasury; but on calling for a certified return from the Land-tax Office of the city of London, a correct statement was furnished, which I have given in.

176. Has subsequent inquiry enabled you to give any further information than that contained in the document of the 12th of August 1836?—On the 16th of August 1836, being the day after the vote of the House of Commons, I directed Mr. Hay to write to Mr. Bowden, at the Post Office, and will read, if the Committee please, the letter, to show that I wished to make further inquiries. "Stamps and Taxes, 16th August 1836," from Mr. Hay to Mr. Bowden: "Dear Sir,—The affair of the Duke of Marlborough was settled last evening in the House of Commons; but I think we may anticipate the revival of the question next Session, and therefore Mr. Wood thinks it would be very desirable, now the subject is quite fresh with us, that we should collect all the information possible which may bear upon the fact that the pension of the Duke has been invariably assessed from the commencement until the present time. In the return which you favoured me with it is stated, that for the year 1759 the amount of pensions was 18,700 *l.*, and the amount in 1761 was 13,700 *l.*, making a difference of 5,000 *l.* Will you have the goodness to furnish me, as early as you possibly can, with the particulars of the pensions which ceased and caused this difference?" The answer of Mr. Bowden is, "5,000 *l.* per annum, part of the pensions paid out of the Post Office in the year 1759, was a grant to the Lord Keeper, which ceased on the 6th of January 1761." "Dear Sir,—I send

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send you the account of the pension which ceased in 1761, and which makes the difference in the amount of Post Office pensions. I find, by some entries in the books here, that there was a suit in Chancery between Sarah Duchess dowager of Marlborough and others, plaintiffs, and Charles Duke of Marlborough and others, defendants, and that there was a decree in Chancery, made June 13, 1740, by which it is ordered and decreed, that the Duke of Marlborough be permitted to receive the growing payments of the said pension of 5,000*l.* a year out of the Post Office; and by a decree of the Master of the Rolls, dated 21st April 1744, upon petition by Charles Duke of Marlborough, a receiver was appointed, and directed to pay 4,000 *l.* per annum to the Duke of Marlborough and others, plaintiffs, or those claiming under them, and that he was to be allowed a salary of 50 *l.* per annum for his trouble. Possibly by reference to the papers in Chancery it may be found that the land-tax was deducted at that time."

177. Has search been made in the Rolls Office with reference to the suit in Chancery?—We have not made any search; it appears that 4,000 *l.* was directed to be paid by the Master of the Rolls, and the 1,000 *l.* just makes the difference of the tax.

178. It is an assignment by the court of that sum to a particular purpose?—Yes.

179. Sir *Robert Price.*] Had it ever been the practice at that time or subsequently to stop the 4 *s.* in the pound out of the pension in the first instance?—I understand from Mr. Till, the clerk to the Commissioners, the practice was, that the Post Office furnished to the Commissioners for the city of London a list of the pensions chargeable upon their revenue; that the Commissioners assessed those pensions at the rate of the land-tax assessed in the respective years by Act of Parliament, whether 1 *s.*, 2 *s.*, 3 *s.*, or 4 *s.*, and the receiver-general of the Post Office of that day was answerable to the Commissioners of the city of London for the amount of the tax so assessed upon those pensions; the consequence was, that the receiver-general would only pay to the pensioners their pensions, deducting from them the amount of the land-tax so assessed upon them for the current year, which amount of the land-tax he paid over to the collector for the city of London; therefore, whatever pensions were assessed to the land-tax were paid always at the Post Office, because the Post Office was answerable to the Commissioners for the city of London for the amount of the land-tax assessed on those pensions.

180. Sir *James Graham.*] Is there any evidence at the Post Office, according to your cognizance, to show when that system of deducting commenced?—My recollection of the books I saw, does not enable me to give an answer to that question.

181. You adhere to the opinion given in the printed paper No. 552, that the accounts at the Post Office previous to 1760 cannot be relied on?—I adhere to that opinion, but that was an opinion given on better authority than mine, namely, the Receiver General of the Post Office. During the whole of this examination, I have felt this difficulty, that we have no original documents whatever in our own department, and my evidence is merely second hand; I have a recollection of certain books which I saw in the city of London relating to times long since past; I saw those books on several occasions more than twelve months ago; it would be more satisfactory to me, and I think it will be to the Committee, if they saw those books themselves; I am merely giving the result of my impressions.

182. Mr. *Hume.*] You have stated that you saw the books of 1708, from which you have taken these several pensions; did you see any books of any prior year there?—The memorandum to which I have already referred, contains a statement of the years for which the books were deficient; it contains, in fact, an account of every thing I did see there.

183. Mr. *Aglionby.*] Have you been able at any time to ascertain the reasons of the Post Office refusing to return, in 1701 and 1702, an account of the pensions charged?—No, I have not; I have before me an account of pensions payable out of the Post Office revenue each year since the year 1698: in 1699, 20,090 *l.*; in 1700, 21,897 *l.* 12 *s.*; in 1701, 22,600 *l.*; in 1702, 22,600 *l.*; in 1703, 29,400 *l.*; in 1704, 28,400 *l.*; in 1705, 28,400 *l.*; in 1706, 28,400 *l.*; in 1707, 28,400 *l.*; in 1708, 31,400 *l.*; in 1709, 33,850 *l.*; in 1710, 39,100 *l.*; in 1711, 40,400 *l.*; in 1712, 22,700 *l.*; in 1713, 21,700 *l.*; in 1714, 21,700 *l.*; in 1715, 21,700 *l.*; in 1716, 22,100 *l.*; in 1717, 22,100 *l.*; in 1718, 21,700 *l.*; in 1719,

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1719, 21,700*l.*; in 1720, 28,700*l.*; in 1721, 28,450*l.*; in 1722, 26,200*l.*; in 1723, 24,226*l.*; in 1724, 23,577*l.*; in 1725, 25,200*l.*; in 1726, 25,050*l.*; in 1727, 24,150*l.*; in 1728, 23,900*l.*; in 1729, 23,900*l.*; in 1730, 23,900*l.*; in 1731, 23,900*l.*; in 1732, 23,900*l.*; in 1733, 21,757*l.*; in 1734, 22,900*l.*; in 1735, 22,900*l.*; in 1736, 22,900*l.*; in 1737, 22,900*l.*; in 1738, 22,900*l.*; in 1739, 22,900*l.*; in 1740, 22,900*l.*; in 1741, 22,750*l.*; in 1742, 22,700*l.*; in 1743, 22,700*l.*; in 1744, 22,700*l.*; in 1745, 22,700; in 1746, 22,700*l.*; in 1747, 22,700*l.*; in 1748, 22,700*l.*; in 1749, 22,700*l.*; in 1750, 22,700*l.*; in 1751, 22,700*l.*; in 1752, 22,700*l.*; in 1753, 20,700*l.*; in 1754, 18,700*l.*; in 1755, 18,700*l.*; in 1756, 18,700*l.*; in 1757, 18,700*l.*; in 1758, 18,700*l.*; in 1759, 18,700*l.*; in 1760, 14,734*l.* 9*s.* 8*d.*; in 1761, 13,700*l.* and in each year to 1836 respectively 13,700*l.*

184. Sir *Robert Price.*] Did you see any memorandum of any payment of the tax on account of pensions?—No, I did not see any memorandum; the practice was stated to be, that the Post Office became answerable to the Commissioners of the city of London for the land-tax on the pensions chargeable on the Post Office revenue; consequently, in self-defence, the Receiver-General would pay the pensions short, inasmuch as that was a charge upon him.

185. The balance he would pay to the collector of the land-tax?—Yes.

186. Is there any memorandum in any book of any payment of that kind?—I saw no memorandum of that kind.

187. Sir *James Graham.*] There is no evidence when that practice began?—No, it was stated to me as the general practice.

188. That was in later times, within living memory?—Yes.

189. There was no evidence that that had been the practice in 1701, during the life of John Duke of Marlborough?—If there was any evidence of that, the Post Office must furnish it.

190. You discovered no such evidence?—No, my attention was not directed to that.

Veneris, 19° *die Maii*, 1837.

MEMBERS PRESENT:

Viscount Mahon.	Mr. Tancred.
Mr. O'Connell.	Marquis of Chandos.
Mr. Powlett Scrope.	Mr. Baines.
Sir Stratford Canning.	Mr. B. Howard.
Mr. Aglionby.	Sir James Graham.

GEORGE G. HARCOURT, ESQUIRE, IN THE CHAIR.

Mr. *John Bowden*, called in; and Examined.

Mr. *John Bowden.*

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191. Sir *James Graham.*] WHAT are these books which you produce?—This one is called the Certificate Book, containing copies of the certificates sent weekly to the Treasury.

192. From what date?—Commencing on the 31st of March 1701, and ending on the 26th of March 1704–5.

193. What are the other two books you produce?—They are each of them certificate books for different periods.

194. Do they purport to be similar books, but varying in date?—Yes; this is a cash-book for 1708, 1709, 1710, and 1711.

195. Have you searched these books?—Yes, I think all but this cash-book.

196. Are there either in the cash-book or the others any entry under the head of pensions?—Not under the head of pensions, but there are pensions.

197. Are they entered under one uniform head, or scattered in various entries through the books?—Yes, as they are paid.

198. Mr. *O'Connell.*] The entries of the payments of the pensions are in different parts of the book?—Yes.

199. Sir *James Graham.*] Do you mean there is no one head which will lead you to all the pensions paid by the Post Office on any one day?—None whatever.

200. Have you looked through these books so as to be able to inform the Committee who were the pensioners for any one year?—I did take out an account of that sort, but I have it not with me.

201. Mr. *O'Connell.*] Do you find, under the date of the 18th of February 1722, this

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this entry, headed "Account of Receipts and Payments, by Richard Onslow, Receiver-General there, from the 18th of February 1722 to the 25th;" and then the pensions paid in that week, and one to Sarah Duchess of Marlborough?—Yes.

202. What is the sum?—One thousand two hundred and fifty pounds.

203. In the ensuing week is there a similar payment?—Yes.

204. What book is this in?—Technically it is a certificate-book.

[*The Extract from the book referred to is as follows.*]

POST OFFICE, LONDON.

AN ACCOUNT of Receipts and Payments by *Richard Onslow*, Receiver-General there, from the 18th of February 1722.

CASH. Dr	£.	s.	d.	Per Contra. Cr	£.	s.	d.
To so much remaining the said 18th of February 1722	85	14	1	By so much money remitted Monsieur Tompaur, of Brussels, on account	183	18	2
To Money received from that time to the said 18th of February 1722	2,407	17	4	By her Grace Sarah Duchess of Marlborough, in full of one quarter's pension, ended at Midsummer 1722	1,250	–	–
				By weekly wages paid to the Letter Carriers	40	–	–
				By weekly payment into the Exchequer, 28 February 1722	700	–	–
					2,173	18	2
				By Balance	319	13	3
£.	2,493	11	5	£.	2,493	11	5

POST OFFICE, LONDON.

AN ACCOUNT of Receipts and Payments by *Richard Onslow*, Receiver-General there, from the 25th of February 1722 to the 4th March following:

CASH. Dr	£.	s.	d.	Per Contra. Cr	£.	s.	d.
To so much remaining the said 25th of February 1722	319	13	3	By her Grace Sarah Duchess of Marlborough, in full of one quarter's Pension, ended at Michaelmas 1722	1,250	–	–
To Money received from that time to the said 4th of March	1,999	12	11	By weekly wages paid to the Letter Carriers	40	–	–
				By the same Letter Carriers, for returned letters for February	18	14	5
				By weekly payment into the Exchequer, March 6, 1722	700	–	–
					2,008	14	5
				By Balance	310	11	9
£.	2,319	6	2	£.	2,319	6	2

205. Mr. *Baines.*] There are two quarterly payments of 1,250 *l.* each; those two sums would of course make 2,500 *l.*; that would be equal to a yearly pension of 5,000 *l.*; now, what I want to know is, whether that payment was subject to any deduction?—I have no means of proving that.

206. Mr. *O'Connell.*] It appears by this to have been paid to her?—The entries are always made so.

207. Mr. *Baines.*] Are there no means of ascertaining positively whether there were deductions?—None whatever.

208. None from the Post Office books or otherwise?—Not that I know of.

209. Mr. *O'Connell.*] Can you state whether this was ever vouched?—No doubt it was by a receipt.

210. Do you not suppose that receipt would be by the duchess?—Yes, unless she had authorized some person to act as her attorney.

211. Received either by her or her attorney?—Yes.

212. Sir *James Graham.*] Have you searched for the vouchers?—No; the vouchers would be delivered to the auditor annually.

213. Mr. *O'Connell.*] What would become of those?—By this time they would have been destroyed.

214. Sir *James Graham.*] Take the year 1722; do you find in that book any account of any payment to the Land-tax Office in the city?—None.

215. On the other side of the account?—On neither side.

216. No account of payments?—No.

217. Sir *Stratford Canning.*] In the year 1722 are there two other quarterly payments of the same amount?—No doubt there are.

218. In the same year?—Yes; that would be so from the course of keeping the account.

219. Mr. *Aglionby.*] Has the account been so kept when the land-tax has been deducted?—Always.

220. The Post Office take credit for the full sum of the pension, although they only pay over to the person entitled to receive the pension, that portion after paying the Land-tax Commissioners?—That has been the custom invariably as

far

far as I can judge from my own experience of 40 years, until a short period of about three years ago.

221. Sir *James Graham.*] When do the disbursements appear to commence to be paid by the Post Office to the Land Tax Office on account of pensions?—For the greater part of the time they do not appear.

222. When does it commence in the Post Office books?—I think in the year 1793.

223. Until then no such account of payment appears in the books of the Post Office?—None whatever, and that was discontinued some years afterwards.

224. Then there is not an annual entry under that head from 1793 to the year 1834, when the pensions ceased to be charged by Act of Parliament?—It is not, but only for a part of that time; the reason of discontinuing the practice was, that it was incumbering the Post Office revenue with what was not Post Office revenue.

225. Mr. *O'Connell.*] Do not you see it would go in discharge of the Post Office?—The Post Office gets the discharge by taking the receipt for 1,250*l.*

226. Mr. *Aglionby.*] The person receiving only 1,125*l.* gives a receipt for 1,250*l.*?—Yes, on receiving it. It has of late years been put so much for the tax.

227. Sir *James Graham.*] When is the date of the first receipt in that form?—I cannot tell.

228. Is it prior to 1793?—I should say not.

229. Mr. *Baines.*] How was the cash made to balance if the payments were not exactly the same as they appeared to be?—By producing the receipt of the collector of the land-tax for the difference.

230. If there was a receipt of the collector of the land-tax assessment, that may be traced by the book of the Land-tax Office?—They are lost.

231. Mr. *O'Connell.*] Here is a third payment to the Duchess of Marlborough of 1,250*l.*, and the cash purports to be balanced each week?—Yes, the balance was taken each week.

232. Therefore, unless in each of these weeks there was made an actual payment into the Exchequer or into the Land-tax Office, the cash would not be actually balanced?—No, certainly not.

233. Then are we to presume, upon the very day or week that they paid the Duchess of Marlborough 1,125*l.*, that they paid besides 125*l.* for the land-tax?—The Receiver-General would detain it in his hands for the collector of the land-tax.

234. Then the cash would not be the actual balance, if he retained that sum in his hand?—It would, so far as the Post Office was concerned.

235. Sir *James Graham.*] That is judging from the modern practice?—Yes, judging from the practice of the office, I should say there had been such payments.

236. Mr. *O'Connell.*] Then the Receiver-General would have in his hand 375*l.* in those three weeks respecting which there was no entry charging him in the book?—He would so.

237. Although there was an entry discharging him, stating that he had it not in his hands?—Yes; only that he had at the same time, or previously had, delivered to him an assessment from the Commissioners of the Land Tax, requiring him to deduct the land-tax on such pensions as were assessed.

238. Are there any such assessments in existence?—Not for that time.

239. Have you any of them prior to 1793?—I very much doubt whether there are any.

240. Can it be ascertained whether there are?—Certainly, from 1760.

241. Are there none prior to that?—I understand not.

242. Sir *James Graham.*] How long has this mode of balancing to your knowledge existed in the Post Office?—Upwards of 40 years.

243. And you found it so then?—Yes; and I understood it to be the practice before my time.

244. Mr. *Aglionby.*] Having no knowledge of the mode of keeping the books at that time, would you not suppose that the whole sum had been paid to the Duchess?—Yes, I should, looking only at the entries.

245. But with your knowledge of the manner the books are kept, and that the land-tax has been deducted from such pensions, your inference is the contrary?—Yes, certainly.

246. You have not got any receipts showing the deduction?—I have not with me.

247. Have you got any receipt showing the deduction by the Duke of Marlborough?—Yes, I have.

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248. Of what date?—Of recent time; only two years back.

249. None of an old date?—No.

250. Sir *James Graham.*] What is the oldest you have?—Within the last two years.

251. None prior to that?—No; they are all delivered to the Audit Office.

252. Mr. *Aglionby.*] Do you find any receipt from any person who receives a pension for the whole amount at a period when you know that part for the land-tax was deducted?—Parliamentary pensions are the only pensions that are rated to the land-tax.

253. Have you any receipt where it is given for the full sum, when only a portion was received?—I think not, because I have adopted the other practice, that the parties might show how much they received in cash.

254. And you find none such before your time?—I think not.

255. Mr. *Tancred.*] Is there any receipt in your custody beyond two years?—No.

256. Mr. *Aglionby.*] Will you give your reason for fixing the date as you did on your last examination, as to 1746 and 1753?—I have ascertained since that it should be 1753.

257. How have you ascertained that?—The land-tax for 1752 was 3 *s.* in the pound, and I believe for several years previous to that.

258. Do you recollect when the land-tax was first 2 *s.*?—I do not know when it was first 2 *s.*; but I find by the paper which was produced before the Committee yesterday from the Tax Office, that previous to 1753 the tax was 3 *s.*

259. In any year before 1753 was it 2 *s.*?—It appears that tax was higher before 1753; and this account would bring in 1746, presuming it began when Sir Francis Charlton first became Receiver General.

260. Must not this book have been made some time after the period when the Duke of Marlborough had his pension granted to him?—Yes, certainly.

261. And it must have been made sometime before the year 1753?—I thought it had been made some few years before.

262. Did you not give as a reason for your opinion because Lord Clarendon had died in the year 1753?—Yes.

263. And his name is struck out of that book?—Yes, exactly so.

264. Have you any books for the year 1753?—No, not here; I have them at the Post Office.

265. Mr. *O'Connell.*] Can the date of these books be traced by the names?—Yes, that is the only way to trace it; I traced the date by Sir Francis Charlton, who became Receiver General in 1746.

266. Can it be traced by the names of the letter-carriers?—No, they are fictitious; it is called by the name of a particular walk; for instance, although Vickers had been dead for 20 years, it still went by the name of Vickers' walk.

267. Mr. *Baines.*] I see by a power of attorney from the Duke of Marlborough in 1768, he transfers to certain parties the sum of 5,000*l.*, which he says is due to him by virtue of an Act of Parliament passed in the reign of Queen Anne, and there is no mention of any deduction; is it not probable, if it had been subject to deduction, it would have been mentioned in the transfer?—It cannot be a power of attorney if it is a transfer.

268. It is transferring the sum by a power of attorney?—It is only giving the power to receive.

269. According to your statement he would receive 5,000*l.*, minus the deduction for land-tax, but there is no intimation of that kind in the document?—It has not been customary to put any such thing in any of them, and the reason the Receiver General requires a power of attorney to authorize the party to give a receipt for 5,000*l.* would be, that he might have that receipt to produce as the discharge of his account to the auditor.

270. Sir *James Graham.*] Have you looked through that book of 1708 so carefully as to inform the Committee whether this printed list contains the names of all the pensioners which appear in it?—I cannot answer that without looking over it again.

271. Was it not made by you?—Yes, I believe it was; I did it with the greatest care I could, and I think it is right.

272. Did you find all those names as receiving pensions in that year of the Post Office, and no others?—I think so.

273. Have you searched so carefully as to enable you to say to the best of your

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your knowledge, in that book of the Post Office there are no other names?—I think so.

274. You are sure all those names are there?—Yes, I am sure of that; it is very difficult sometimes to ascertain what is a pension and what is not, in some of the small payments.

275. Mr. *Baines.*] Does it or not appear that the book is regularly kept?—Yes, perfectly so.

276. There is no reason to suppose there are any omissions?—None whatever.

277. Mr *O'Connell.*] But the land-tax was paid in this year also on the salaries of the officers?—Yes.

278. And might it not have been paid also in the year 1708?—It was kept distinct.

279. Sir *James Graham.*] In the books of the Post Office?—In the books of the Commissioners of the Land Tax.

280. Mr. *O'Connell.*] From your view of the accounts of payments in 1722, when the payment is charged as 1,250*l.* as made to the Duchess of Marlborough, you suppose that the land-tax was deducted out of that, and that she was only paid the balance beyond the land-tax; is not that your opinion?—Yes.

281. That is the way you understand the accounts?—Yes; and if I could find the assessment of land-tax for that year, I believe that would correspond, or nearly so, with the amount of tax that would be payable on pensions out of the Post Office revenue.

282. Taking for granted that the land-tax for that year on the 1,250 *l.* would be 125 *l.*?—Yes.

283. She would not have been paid 1,125 *l.* unless she had allowed the 125 *l.* to be deducted?—Certainly not.

284. She would not otherwise have been paid?—The payment would have been refused.

285. Mr. *Aglionby.*] In order to be paid she must have made the allowance?—Yes, submitted to the deduction.

286. And you think so, especially if the land-tax, which was in point of fact paid in that year, corresponded with the amount?—Yes, or very near.

287. Do you find on the payment of pensions contemporaneous with the Duke of Marlborough, any fees were exacted on the payment?—Yes.

288. Mr. *O'Connell.*] What would be the fee?—Ten shillings per cent.; 6*l.* 5*s.* upon the quarter; and that fee is continued now.

Joseph Timm, Esq., called in; and Examined.

Joseph Timm, Esq.

289. *Chairman.*] WILL you state the result of the examination which you have made according to the desire of the Committee?—I found a decree registered, dated the 20th of June 1740, in a cause of the Duchess of Marlborough and others, plaintiffs, and the Duke of Marlborough and others, defendants; I was directed to search for a decree of the 21st of April 1744 of the Master of the Rolls, which I have not been able to find.

290. Then you have not been able to find the decree under which the Receiver was directed to pay 4,000 *l.* to the Duke of Marlborough?—I have not; it appears from an entry in the book of the Post Office that there was such a decree; and it is recited in another decree of the 20th of April 1757; I have searched for that also, but have not been able to find it.

291. Mr. *O'Connell.*] You have neither found the decree of 1744 nor 1757?—I have not.

292. Have you examined for these two years?—Yes, I have, very carefully.

293. How are the books kept?—The decrees are registered in the title of the cause, and unless you know the title of the cause, you may search in vain; I have found orders purporting to be orders in the same cause; and I found some orders in a suit, entitled, "The Earl of Godolphin against the Duke of Marlborough;" my difficulty arises on account of the name of the suit being changed.

294. Do you not know the description in the book is "James Martin and others against the Duke of Marlborough"?—No, I was not aware of that.

295. Mr. *Aglionby.*] Can you give any information from the search you have made on the subject, as to whether the Duchess of Marlborough did continue to receive a pension of 5,000*l* after the time referred to—after the death of the duke?—I found in the decree of 1740 a recital of the will of the Duke of Marl-

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borough, by which he gave to the duchess an annuity of 5,000*l.* a year, charged upon certain lands in lieu of the Parliamentary pension of 5,000 *l.* a year, if she chose to accept it in lieu of that pension. The Bill goes on to say, " and which she had elected to do."

296. Mr. *Tancred.*] Did you observe whether that was to be free of all charges?—That I cannot speak to.

297. Mr. *O'Connell.*] Does it appear that she had elected to take the annuity?—Yes, to take the annuity given by the Will in lieu of the Parliamentary pension—the very contrary of what is alleged in this petition, which I was not aware of at the time; I merely mention this now in order that the Committee, if they think proper, may have a copy of that decree, because it is certainly stated in the decree that she had elected to take the annuity under the Will, in lieu of the pension.

298. Sir *Stratford Canning.*] Does it appear what is the date of her election?—That is not stated; the date of the decree is the 20th of June 1740. The decree goes on to declare the Duke of Marlborough entitled to the pension of ,000 *l.*

299. Mr. *O'Connell.*] Was there any direction in the decree as to what she had received on the Parliamentary pension?—I think not.

300. (*To Mr. Bowden.*) To whom does the payment appear to be made from 1740 to 1744?—To the Duke of Marlborough, and there is registered in the Post Office books a minute of the decree of 1740, and it is ordered that the duke may be permitted to receive the growing pension.

Martis, 23° die Maii, 1837.

MEMBERS PRESENT:

Marquis of Chandos.	Mr. Aglionby.
Sir Robert Price.	Mr. Tancred.
Lord Viscount Mahon.	

GEORGE G. HARCOURT, ESQUIRE, IN THE CHAIR.

Joseph Timm, Esq. called in; and further Examined.

Joseph Timm, Esq.
23 May 1837.

301. *Chairman.*] HAVE you any further information to give to the Committee on the subject of the decree?—I have found the decree of the 21st of April 1744, which I was directed to search for; and in a cause of James Martin, Aaron Franks and William Fauquier, plaintiffs, and the Duke of Marlborough, defendant, it recites the Act of Parliament granting to the late duke for his life, and to Sarah, the duchess, for her life, and to the issue of the duke, a pension of 5,000 *l.* a year, to be paid out of the revenue of the Post Office; it recites the will of the late duke, whereby he gave to the duchess, for her life, a rent-charge of 5,000 *l.* a year in lieu of the pension, if she chose to accept it; it recites that she did accept it, and did within the time limited, by the will, surrender her interest in the pension, whereby the defendant is become entitled to such pension.

302. Marquis of *Chandos.*] Is that an accurate copy of the decree?—It is not a copy, but it is the substance of it.

303. But are the words the same?—Oh, no.

304. Lord Viscount *Mahon.*] Why not put in the decree itself?—I had no power to do that; the Committee directed the officer to be summoned, but they omitted in the summons to direct him to bring the books, and without an order from the Committee he cannot produce them; he is in attendance now. I should observe, this is a short decree, and that a copy of it would not be very expensive.

305. If the abstract be correct, I should imagine it would answer the purpose without having the precise words?—I will pledge myself to the correctness of the substance of what I have now stated.

306. Is the date of this document before or after the death of the old duchess, Sarah, of Marlborough?—That I do not know; I will not be positive, but I think I saw it noticed in some of the decrees, that she died in October 1743.

307. Mr.

307. Mr. *Aglionby.*] Are there any other recitals in that decree?—Yes; it recites that by an agreement dated the 26th March 1744, the plaintiffs contracted with the defendant for the purchase of an annuity or rent-charge of 4,000*l.* per annum for the defendant's life, and also three per cent. for every year the defendant should be out of the kingdom for 40,000*l.*; and that it was thereby agreed, that for the better securing the payment of such annuity or rent-charge and the other payments, the defendant should assign the said pension to the plaintiffs.

308. *Chairman.*] The defendant being the Duke of Marlborough?—Yes; who borrowed 40,000*l.* on the security of this pension, or rather sold an annuity of 4,000*l.* a year for 40,000*l.*, and assigned this pension as a security for the payment of that 4,000*l.* a year.

309. The Post Office pension?—The Post Office pension.

310. Mr. *Aglionby.*] Does it mention a receiver?—It does; it prays that the agreement may be established and a receiver of the pension appointed; the answer admits the facts, and submits to have the agreement established and a receiver appointed; and it is ordered and decreed that the deed be established; that it be referred to Master Edwards to appoint a receiver of the pension on giving the usual security; he is to be allowed a salary; the amount is not mentioned.

311. Does it say how the salary was to be paid?—No; the receiver to receive the pension, and apply it according to the trusts of the deed; the plaintiffs' costs to be taxed, and to be paid by the receiver.

312. It does not say whether the receiver is to be paid by the Duke of Marlborough or by the persons to whom the annuity is to be assigned?—It does not; but the receiver would of course be paid out of the fund.

313. *Chairman.*] Out of the 4,000*l.* you mean?—No, out of the 5,000*l.*; I should tell the Committee this is an agreement for better securing this annuity; we do not know what other security the parties might have taken from the duke; there is the duke's covenant to pay; there is an order dated the 20th April 1757, a copy of which you have had before you in the book from the Post Office; on the last occasion when I was here, I mentioned there is a decree of 1740, the Duchess of Marlborough and others against the Duke of Marlborough and others, and in that the duke's will is recited, and the annuity given by him charged on his estates in lieu of the Parliamentary pension, if she chose to accept it; and it is recited that she did elect to accept it—that she had elected to do so; that is in 1740, and in consequence of that, the Chancellor decreed, that the duke was then entitled to the pension; that was in 1740, four years prior to this.

314. Mr. *Aglionby.*] Having examined the decree of 1740, and having looked at the document by which it appears the Duchess of Marlborough received the pension during a portion of the time in which, by the decree, she appears to have elected to take the security on the estate, can you give any explanation to the Committee of that circumstance?—Until the decree of 1740, establishing the duke's will, and the arrangement made by it, by which the duchess was to accept the annuity devised to her in lieu of the Parliamentary pension, no other person than the duchess could give a legal receipt for that pension. That appears to me to account for its appearing by the Post Office book, that the pension up to that period had been paid to the duchess.

315. *Chairman.*] Up to what period?—Up to 1740.

316. Lord Viscount *Mahon.*] From the death of the duke?—From the death of the duke.

217. A period of 18 years?—Yes.

318. Mr. *Aglionby*] That is, whatever private arrangement might have been made; and although the duchess might under that agreement have received the pension, yet, to give a due discharge to the Post Office, her signature would be requisite until the former decree?—Yes.

319. Lord Viscount *Mahon.*] If the witness states positively it is a faithful extract, I imagine that will be quite sufficient?—I do state it is a faithful extract; it is quite evident this was a friendly suit, merely for the purpose of establishing and legalizing this arrangement, for the deed is only dated the 26th March 1744; a bill is filed, and the answer brought in, and the decree made on the 21st April; now, in the ordinary course of things, that could not have been for a twelvemonth afterwards, instead of one month.

320. Mr. *Aglionby.*] Unless it were an amicable suit?—Unless it were an amicable suit.

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321. What proof have you that 50*l.* a year was paid to the receiver?—Under that decree no sum is specified; that would be left to the parties, or to the Master; but there is an order, dated the 20th April 1757, in the same suit, and that you have had before you from the Post Office books; it recites the above decree; that on the 9th of June, the parties applied to have Mr. Surman appointed the receiver, without security, and that the court ordered the same; that is the 9th of June in the year 1744; that the Master, by his report of the 28th June 1744, accordingly appointed Mr. Surman to be the receiver, with a salary of 50*l.* per annum; that Mr. Surman had become bankrupt, and declined to interfere further, and that the parties had applied to have Mr. Cliffe, a banker in London, appointed in lieu, without giving security, and it was ordered that it be referred to the Master to appoint Mr. Cliffe accordingly.

Mr. *John Bowden*, called in; and further Examined.

Mr. *John Bowden*

322. *Chairman.*] WHEN was the duty of 1*s.* and the duty of 6*d.* in the pound first deducted from the Duke of Marlborough's pension?—They were first ordered to be deducted in the year ended the 5th of January 1810; but afterwards in the year ended the 5th of January 1811, it was said that the deduction did not go far enough back, and it was ordered to be deducted for one year to the 5th of April 1809.

REPORT

FROM THE

SELECT COMMITTEE

ON

THE DUKE OF MARLBOROUGH'S PENSION;

WITH THE

MINUTES OF EVIDENCE.

Ordered, by The House of Commons, to be Printed,
2 *June* 1837.

REPORT

FROM THE

SELECT COMMITTEE

APPOINTED TO PREPARE

MILITIA ESTIMATES.

Ordered, by The House of Commons, *to be Printed,*
28 *June* 1837.

Martis, 27° die Junii, 1837.

Ordered, THAT a Select Committee be appointed to prepare Estimates of the Charge of the Disembodied Militia, for a Year, to the 31st March 1838:—And a Committee is appointed of—

Lord Viscount Howick.	Colonel Grey.
Sir Henry Hardinge.	Lord Viscount Clive.
Mr. Fox Maule.	Mr. Eaton.
Mr. Hume.	Mr. More O'Ferrall.
Mr. Gore Langton.	Mr. Hawes.
Colonel Perceval.	Lord Arthur Lennox.
Mr. Sanford.	Mr. Shaw Lefevre.
Mr. Robert Gordon.	And all Colonels of Militia.

Ordered, THAT the said Committee have power to send for Persons, Papers and Records.

Ordered, THAT Five be the Quorum of the said Committee.

Mercurii, 28° die Junii, 1837.

Lord HOWICK, in the Chair.

Mr. Hume.	Lord A. Lennox.
Mr. Robert Gordon.	Mr. S. Lefevre.

Estimates proposed, read and agreed to.

REPORT.

THE SELECT COMMITTEE appointed to prepare ESTIMATES of the CHARGE of the DISEMBODIED MILITIA, for a Year, to the 31st March 1838:——HAVE prepared Estimates accordingly, and have agreed to report the same to The HOUSE.

28 *June* 1837.

ESTIMATES.

DISEMBODIED MILITIA.

ESTIMATE of the CHARGE of the DISEMBODIED MILITIA of *Great Britain* and *Ireland*, from the 1st April 1837 to the 31st March 1838.

GREAT BRITAIN.	ESTIMATE to 31st March 1838. Nos.	ESTIMATE to 31st March 1838. Amount.	ESTIMATE to 31st March 1837. Nos.	ESTIMATE to 31st March 1837. Amount.
STAFF:		£. s. d.		£. s. d.
Pay of Adjutants - - each at 8 s. – d. per diem	89	12,994 – –	89	12,994 – –
– Serjeant-Majors - „ - 1 10 – -	89	2,977 15 10	89	2,977 15 10
– Serjeants - - - „ - 1 6 – -	640	17,520 – –	640	17,520 – –
Contingent Allowance, at 6 *d.* per annum for each Private on the Establishment, 50,888 Privates - - - - - - - - - -	- -	1,272 4 –	- -	1,590 5 –
Allowance for Medicines and Medical Attendance for 729 Men on the Staff, each at 2 *d.* per week	- -	315 18 –	- -	315 18 –
Clothing for 729 Men, at 3 *l.* per man on the average - - - - - - - - -	- -	2,187 – –	- -	820 2 6
TOTALS for the STAFF - - -	818	37,266 17 10	818	36,218 1 4
ALLOWANCES to SUBALTERNS and SURGEONS' MATES disembodied at the Peace:				
Lieutenants - each at 2 *s.* 6 *d.* per diem -	443	20,211 17 6	460	20,987 10 –
Ensigns - - - - 2 – – - -	53	1,934 10 –	55	2,007 10 –
Surgeons' Mates - – 2 6 – - -	36	1,642 10 –	37	1,688 2 6
TOTALS of Allowances to Subalterns, &c.	532	23,788 17 6	552	24,683 2 6
REDUCED ALLOWANCES to OFFICERS and SERJEANT-MAJORS on various Reductions of Establishment:				
In 1799: 39 & 40 Geo. 3, c. 44. Adjutants - each at 4 s. – d. per diem	13	949 – –	13	949 – –
In 1799: 39 & 40 Geo. 3, c. 44. Serjeant-Majors – 1 s. – d. per diem and 2 s. 6 d. per week	3	74 5 –	4	99 4 –
In 1816: Second Adjutants, each at 4 s. – d. per diem	3	219 – –	3	219 – –
In 1829: 1 Paymaster at 2 s. – d. per diem – £. 2 –				
2 ditto – 2 6 – – 5 –				
2 ditto – 3 – – – 6 –				
2 ditto – 3 6 – – 7 –				
14 ditto – 4 – – 2 16 –				
2 ditto – 4 6 – – 9 –				
6 ditto – 5 – – 1 10 –				
19 ditto – 6 – – 5 14 –				
48 Paymasters, at per diem £. 11 9 –	48	4,179 5 –	50	4,361 15 –
3 Surgeons, at 3 s. 6 d. per diem – 10 6				
13 ditto - – 4 – – 2 12 –				
2 ditto - – 4 6 – – 9 –				
18 ditto - – 5 – – 4 10 –				
6 ditto - – 6 – – 1 16 –				
42 Surgeons, at per diem - £. 9 17 6	42	3,604 7 6	44	3,805 2 6
Reduced Allowances, carried forward - £.	109	9,025 17 6	114	9,434 1 6

Estimate of the Charge of the Disembodied Militia of Great Britain and Ireland—*continued*.

GREAT BRITAIN—*continued*.	ESTIMATE to 31 March 1838. Nos.	Amount.	ESTIMATE to 31 March 1837. Nos.	Amount.
Allowance to Reduced Officers—*continued*.		£. s. d.		£. s. d.
Brought forward - - -	109	9,025 17 6	114	9,434 1 6
In 1829: 4 Quarter Masters at 2 s. – d. per diem – £. 8 – –				
7 ditto – 2 6 – – 17 6				
3 ditto – 3 – – – 9 –				
3 ditto – 3 6 – – 10 6				
5 ditto – 4 – – 1 – –				
1 ditto – 4 6 – – 4 6				
2 ditto – 5 – – – 10 –				
25 Quartermasters, at per diem £. 3 19 6	25	1,450 17 6	27	1,560 7 6
TOTALS—Officers reduced on Reduction of Establishment - - - -	134	10,476 15 –	141	10,994 9 –
RETIRED ALLOWANCES to Officers disabled by Age or Infirmity:				
		s. d.		
Adjutants - - - at 8 – per diem - -	22	3,212 – –	22	3,212 – –
Surgeons - - - - 6 – – - - -	21	2,299 10 –	23	2,518 10 –
Paymaster - - - 6 – – - - -	1	109 10 –	1	109 10 –
Quarter-Masters - 5 – – - - -	12	1,095 – –	12	1,095 – –
Ditto - - - - 3 – – - - -	1	54 15 –	1	54 15 –
TOTALS—Disabled Officers - - -	57	6,770 15 –	59	6,989 15 –
TOTALS:				
Staff - - - - - - - - - -	818	37,266 17 10	818	36,218 1 4
Allowances to 532 Subalterns, &c. 23,788 17 6				
Ditto - 134 Reduced Officers 10,476 15 –				
Ditto - 57 Disabled Officers 6,770 15 –				
Allowances to Officers - £. 41,036 7 6	723	41,036 7 6	752	42,667 6 6
TOTALS—Staff and Allowances to Officers - £.	1,541	78,303 5 4	1,570	78,885 7 10

Estimate of the Charge of the Disembodied Militia of Great Britain and Ireland—*continued.*

GREAT BRITAIN—*continued.*	ESTIMATE to 31 March 1838. Nos.	Amount.	ESTIMATE to 31 March 1837. Nos.	Amount.
		£. s. d.		£. s. d.
OUT-PENSIONS of the British and Irish Regular Militia:				
No. of Men. , s. d. £. s. d.				
186 - at 4 ¾ each 3 13 7 ½ per diem.				
1,187 - - 5 - - 24 14 7 –				
410 - - 6 - - 10 5 – –				
158 - - 8 - - 5 5 4 –				
204 - - 9 - - 7 13 – –				
324 - - 10 - - 13 10 – –				
1 - - 11 - - – – 11 –				
2,032 1 s. – - - 101 12 – –				
146 {at various rates from 1 s. to 2 s.} 11 14 3 ½ –				
£. s. d.				
4,648 - per diem - £. 178 8 9 65,129 13 9				
Deduct,— £. s. d.				
Probable Amount of unclaimed Pensions and Savings by Casualties, after providing for new cases - - - - - - 1,910 – –				
Poundage - - - 3,150 – –				
5,060 – –				
TOTALS—OUT-PENSIONS of the British and Irish Regular Militia - - - -	4,648	60,069 13 9	4,846	62,619 3 4
LOCAL MILITIA OF GREAT BRITAIN:				
Reduced Adjutants, at 4 s. per diem - - -	151	11,023 – –	155	11,315 – –
TOTALS—Allowances to Officers - -	151	11,023 – –	155	11,315 – –
OUT PENSIONS:				
Men at. s. d. £. s. d.				
13 - at 5 per diem – 5 5				
25 - - 6 – – 12 6				
34 - - 8 – 1 2 8				
8 - - 9 – – 6 –				
36 - - 10 – 1 10 –				
93 - 1 – – 4 13 –				
£. s. d.				
209 - per diem - £. 8 9 7 3,094 17 11				
Deduct,—				
Probable Amount of unclaimed Pensions and Savings by Casualties 90 – –				
Poundage - - - 150 – – 240 – –				
TOTALS—Out-Pensions - - - -	209	2,854 17 11	213	2,903 11 3
TOTALS—Local Militia of GREAT BRITAIN - - - - - - - -	360	13,877 17 11	368	14,218 11 3
GREAT BRITAIN: GENERAL RECAPITULATION:				
Regular Militia: Staff and Allowances to Officers	1,541	78,303 5 4	1,570	78,885 7 10
Out-Pensions, including those of the Irish Regular Militia -	4,648	60,069 13 9	4,846	62,619 3 4
Local Militia: Allowances to Officers and Out-Pensions - - - - -	360	13,877 17 11	368	14,218 11 3
TOTALS—REGULAR and LOCAL MILITIA of Great Britain, including the Out-Pensions of the Irish Regular Militia -	6,549	152,250 17 –	6,784	155,723 2 5

Estimate of the Charge of the Disembodied Militia of Great Britain and Ireland—*continued*.

IRELAND.	ESTIMATE to 31 March 1838. Nos.	Amount.	ESTIMATE to 31 March 1837. Nos.	Amount.
		£. s. d.		£. s. d.
STAFF:				
PAY of Adjutants - each at 8 *s.* – *d.* per diem	38	5,548 – –	38	5,548 – –
– Serjeant-Majors - 1 *s.* 10 *d.* –	38	1,271 8 4	38	1,271 8 4
– Serjeants - - 1 *s.* 6 *d.* –	250	6,843 15 –	250	6,843 15 –
Lodging and Fuel Allowance for Serjeant-Majors and Serjeants - - - - - - -	- -	1,096 15 10	- -	1,096 15 10
Allowance for Medicines and Medical Attendance, 288 Non-commissioned Officers, at 2 *d.* a week - - - - - - - - -	- -	124 16 –	- -	124 16 –
Clothing for 288 Men, at 3 *l.* each on the average	- -	864 – –	- -	324 – –
Contingent Allowance, at 6 *d.* per annum for each Private on the Establishment, 18,525 Privates - - - - - - - - -	- -	463 2 6	- -	578 18 1
Allowance for Agency, 285 Companies, each at 1 *l.* 5 *s.* - - - - - - - - -	- -	356 5 –	- -	477 7 6
TOTALS for the Staff - - £.	326	16,568 2 8	326	16,525 – 9
ALLOWANCES to SUBALTERNS and ASSISTANT SURGEONS disembodied at the Peace:				
Lieutenants, each at 2 *s.* 6 *d.* per diem - -	267	12,181 17 6	272	12,410 – –
Ensigns - - - 2 *s.* – *d.* - - - -	107	3,905 10 –	107	3,905 10 –
Assistant Surgeons 2 *s.* 6 *d.* - - - -	14	638 15 –	14	638 15 –
TOTALS—Allowances to Subalterns, &c. - £.	388	16,726 2 6	393	16,954 5 –
REDUCED ALLOWANCES to OFFICERS on various Reductions of Establishment:				
In 1797: On the incorporation of the Drogheda with the Louth Militia—Adjutant, at 6 *s.* per diem - - - - - - - - -	1	109 10 –	1	109 10 –
In 1829: 2 Paymasters, at 2 *s.* p' diem, £. – 4 –				
2 ditto - - 2 *s.* 6 *d.* - – 5 –				
1 ditto - - 4 *s.* - - - – 4 –				
6 ditto - - 5 *s.* - - - 1 10 –				
7 ditto - - 6 *s.* - - - 2 2 –				
18 Paymasters, at per diem £. 4 5 –	18	1,551 5 –	19	1,642 10 –
Reduced Allowances carried forward £.	19	1,660 15 –	20	1,752 – –

Estimate of the Charge of the Disembodied Militia of Great Britain and Ireland—*continued.*

IRELAND—*continued.*	ESTIMATE to 31 March 1838. Nos.	ESTIMATE to 31 March 1838. Amount.	ESTIMATE to 31 March 1837. Nos.	ESTIMATE to 31 March 1837. Amount.
REDUCED ALLOWANCES to OFFICERS—*continued.*				
Brought forward	19	£. 1,660 15 –	20	£. 1,752 – –
In 1829: 1 Surgeon, at 2 *s.* 6 *d.* p' diem		£. 2 6		
1 ditto at 3 *s.* 6 *d.*		– 3 6		
6 ditto at 4 *s.*		1 4 –		
3 ditto at 5 *s.*		– 15 –		
5 ditto at 6 *s.*		1 10 –		
16 Surgeons, at per diem		£. 3 15 –	16	1,368 15 –	17	1,441 15 –
2 Qr Masters, at 2 *s.* 6 *d.* p'diem		– 5 –		
4 ditto at 3 *s.*		– 12 –		
4 ditto at 3 *s.* 6 *d.*		– 14 –		
1 ditto at 4 *s.*		– 4 –		
7 ditto at 5 *s.*		1 15 –		
18 Qr Masters, at p' diem		£. 3 10 –	18	1,277 10 –	19	1,350 10 –
TOTALS—Officers on Reduction of Establishment	53	4,307 – –	56	4,544 5 –
RETIRED ALLOWANCES to OFFICERS disabled by Age or Infirmity:				
Adjutants at 8 *s.* per diem	12	1,752 – –	13	1,898 – –
Surgeons – 6 *s.*	3	328 10 –	3	328 10 –
Quarter-Masters – 5 *s.*	2	182 10 –	2	182 10 –
TOTALS—Disabled Officers	17	2,263 – –	18	2,409 – –
RECAPITULATION FOR IRELAND.				
Staff	326	16,568 2 8	326	16,265 – 9
Allowances to 388 Subalterns, &c.		£. 16,726 2 6		
Ditto 53 Reduced Officers		4,307 – –		
Ditto 17 Disabled Officers		2,263 – –		
TOTALS—Allowances to Officers	458	23,296 2 6	467	23,907 10 –
TOTALS IRELAND { Regular Militia, exclusive of Out-Pensions	784	39,864 5 2	793	40,172 10 9
„ GREAT BRITAIN { Regular and Local Militia, including Out-Pensions of the Irish Regular Militia	6,549	152,250 17 –	6,784	155,723 2 5
TOTALS for the DISEMBODIED MILITIA of GREAT BRITAIN and IRELAND	7,333	192,115 2 2	7,577	195,895 13 2

COMPARATIVE ABSTRACT of the MILITIA ESTIMATES for the Periods from 1st April 1836 to 31st March 1837, and from 1st April 1837 to 31st March 1838.

	ESTIMATE to 31 March 1838.		ESTIMATE to 31 March 1837.		INCREASE 1837–1838.		DECREASE 1837–1838.		CAUSES OF INCREASE AND DECREASE.
GREAT BRITAIN:	Nos.	AMOUNT.	Nos.	AMOUNT.	Nos.	AMOUNT.	Nos.	AMOUNT.	
REGULAR MILITIA:		£. s. d.		£. s. d.		£. s. d.		£. s. d.	
STAFF	818	37,266 17 10	818	36,218 1 4	- -	1,048 16 6	- -	- - -	Supply of new clothing.
Subalterns liable to serve	532	23,788 17 6	552	24,683 2 6	- -	- - -	20	894 5 -	Deaths and commutations.
Reduced Officers, the greater part liable to serve	134	10,476 15 -	141	10,994 9 -	- -	- - -	7	517 14 -	Deaths.
Disabled Officers	57	6,770 15 -	59	6,989 15 -	- -	- - -	2	219 - -	Deaths.
TOTALS for Staff, and Allowances to Officers	1,541	78,303 5 4	1,570	78,885 7 10					
Out-Pensions of the Regular Militia of Great Britain and Ireland	4,648	60,069 13 9	4,846	62,619 3 4	- -	- - -	198	2,549 9 7	Casualties.
TOTALS—Regular Militia	6,189	138,372 19 1	6,416	141,504 11 2					
LOCAL MILITIA:									
Allowances to Reduced Adjutants	151	11,023 - -	155	11,315 - -	- -	- - -	4	292 - -	Deaths.
Out Pensions	209	2,854 17 11	213	2,903 11 3	- -	- - -	4	48 13 4	Deaths.
TOTALS—Local Militia	360	13,877 17 11	368	14,218 11 3					
TOTALS—Regular Militia	6,189	138,372 19 1	6,416	141,504 11 2					
TOTALS for Great Britain	6,549	152,250 17 -	6,784	155,723 2 5					
IRELAND:									
REGULAR MILITIA:									
Staff	326	16,568 2 8	326	16,265 - 9	- -	303 1 11	- -	- - -	Supply of new clothing.
Subalterns liable to serve	388	16,726 2 6	393	16,954 5 -	- -	- - -	5	228 2 6	Deaths.
Reduced Officers, the greater part liable to serve	53	4,307 - -	56	4,544 5 -	- -	- - -	3	237 5 -	Ditto.
Disabled Officers	17	2,263 - -	18	2,409 - -	- -	- - -	1	146 - -	Ditto.
TOTALS, IRELAND, exclusive of Out-Pensions	784	39,864 5 2	793	40,172 10 9					
TOTALS, GREAT BRITAIN, including Out-Pensions for Ireland	6,549	152,250 17 -	6,784	155,723 2 5					
TOTALS, GREAT BRITAIN and IRELAND to 31st March 1837	- -	- - -	7,577	195,895 13 2	- -	1,351 18 5	- -	5,132 9 5	
TOTALS, GREAT BRITAIN and IRELAND, to 31st March 1838	7,333	192,115 2 2	7,333	192,115 2 2		Deduct Increase	- -	1,351 18 5	
DECREASE in the Year to 31st March 1838	- -	- - -	244	3,780 11 -	- -	- - -	244	3,780 11 -	

REPORT

FROM THE

SELECT COMMITTEE

ON

MILITIA ESTIMATES,

FOR THE YEAR ENDING

31 MARCH 1838.

Ordered, by The House of Commons, *to be Printed,*
28 *June* 1837.

Communicated by The Lords, 16th June 1837.

REPORT

FROM

THE SELECT COMMITTEE OF THE HOUSE OF LORDS

APPOINTED TO INQUIRE INTO THE

EXPEDIENCY OF SUBSTITUTING

Declarations in lieu of Oaths in certain Cases;

AND TO REPORT FROM TIME TO TIME TO THE HOUSE:

TOGETHER WITH THE

MINUTES OF EVIDENCE,

AND

AN APPENDIX THERETO.

1835.

Ordered, by The House of Commons, *to be Printed,*
19 *June* 1837.

THE REPORT - - - - - - - - - - - p. iii

MINUTES OF EVIDENCE - - - - - - - - p. 3

APPENDIX - - - - - - - - - - - - p. 15

REPORT.

BY THE LORDS COMMITTEES appointed a SELECT COMMITTEE to consider of the Bill, intituled, "An Act for the more effectual Abolition of Oaths and Affirmations taken and made in various Departments of the State, and to substitute Declarations in lieu thereof;"—

ORDERED TO REPORT,

THAT the Committee have met, and have considered the Bill which has been referred to them, and also the Report of the Committee appointed last Session to consider the Subject of Oaths; and they have examined some further Evidence on the Subject; and are of opinion, that the Bill is well adapted for carrying into effect the recommendations of the Committee of last year.

LIST OF WITNESSES.

William Duff, Esquire - - - - - - - - p. 3
George Guillonneau, Esquire - - - - - - - p. 3
James Comerford, Esquire - - - - - - - - p. 3
Samuel Higham, Esquire - - - - - - - - p. 8
James Freshfield, Esquire - - - - - - - - p.13

MINUTES OF EVIDENCE.

Die Martis, 7° Julii 1835.

Evidence on Substitution of Declarations in lieu of Oaths.

W. Duff, Esq.
G. Guillonneau, Esq.
and
J. Comerford, Esq.

The Duke of RICHMOND in the Chair.

WILLIAM DUFF Esq., GEORGE GUILLONNEAU Esq., and JAMES COMERFORD Esq., are called in, and examined as follows:

You are Notaries Public?
Yes.

Have you felt that Inconvenience will arise to your Profession unless an Act, called an Act for the Abolition of unnecessary Oaths, is altered?
We have.

State generally the grounds upon which you found that opinion?
The Objection is, that the Act for the Abolition of Oaths authorizes Magistrates to take Declarations in certain Cases,—official Cases generally speaking.

What are those Cases?
Such as Gentlemen taking Office, and so on; it authorizes Declarations to be taken. These are the Affidavits:

> " Lords of the Treasury empowered to substitute Declaration for Oath, &c. in certain Cases."

The Magistrates are restricted from taking Affidavits except in certain Cases of Inquiry before them, and also such as come within their Cognizance under the same Act of Parliament. It is that last Restriction that we find so inconvenient. By the Act of the Fifth of George the Second, and another of the Fifty-fourth George the Third, Affidavits are allowed to be made before Magistrates, and to be received in Evidence in Foreign Courts in His Majesty's Plantations in America and in New South Wales. These are the Acts which I beg to be permitted to hand in:

(5 Georgii II. Cap. 7.) " An Act for the more easy Recovery of Debts in His Majesty's Plantations and Colonies in America.—Whereas His Majesty's Subjects trading to the British Plantations in America lie under great Difficulties for Want of more easy Methods of proving, recovering, and levying Debts due to them than are now used in some of the said Plantations: And whereas it will tend very much to the retrieving of the Credit formerly given by the Trading Subjects of Great Britain to the Natives and Inhabitants of the said Plantations, and to the advancing of the Trade of this Kingdom thither, if such Inconveniences were remedied: May it therefore please your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the Twenty-ninth Day of September which shall be in the Year of our Lord One thousand seven hundred and thirty-two, in any Action or Suit then depending or thereafter to be brought in any Court of Law or Equity in any of the said Plantations for or relating to any Debt or Account wherein any Person residing in Great Britain shall be a Party, it shall and may be lawful to and for the Plaintiff or Defendant, and also to and for any Witness to be examined or made use of in such Action or Suit, to verify or prove any Matter or Thing by Affidavit or Affidavits in Writing upon Oath, or in case the Person making such Affidavit be one of the People called Quakers, then upon his or her solemn Affirmation made before any Mayor or other Chief Magistrate of the City, Borough, or Town

W. Duff, Esq.
G. Guillonneau, Esq.
and
J. Comerford, Esq.

Corporate in Great Britain where or near to which the Person making such Affidavit or Affirmation shall reside, and certified and transmitted under the Common Seal of such City, Borough, or Town Corporate, or the Seal of the Office of such Mayor or other Chief Magistrates; which Oath or solemn Affirmation every such Mayor and Chief Magistrate shall be and is hereby authorized and empowered to administer; and every Affidavit or Affirmation so made, certified, and transmitted shall, in such Actions and Suits, be allowed to be of the same Force and Effect as if the Person or Persons making the same upon Oath or solemn Affirmation as aforesaid had appeared and sworn or affirmed the Matters contained in the said Affidavit or Affirmation vivâ voce in open Court, or upon a Commission issued for the Examination of Witnesses or of any Party in any such Action or Suit respectively; provided that in every such Affidavit and Affirmation there shall be expressed the Addition of the Party making such Affidavit or Affirmation, and the particular Place of his or her Abode.

"II. And be it further enacted by the Authority aforesaid, That in all Suits now depending or hereafter to be brought in any Court of Law or Equity by or in behalf of His Majesty, His Heirs and Successors, in any of the said Plantations, for or relating to any Debt or Account, that His Majesty, His Heirs and Successors, shall and may prove His and Their Debts and Accounts, and examine His or Their Witness or Witnesses, by Affidavit or Affirmation, in like Manner as any Subject or Subjects is or are empowered or may do by this present Act.

"III. Provided always, and it is hereby further enacted, That if any Person making such Affidavit upon Oath or solemn Affirmation shall be guilty of falsely and wilfully swearing or affirming any Matter or Thing in such Affidavit or Affirmation which, if the same had been sworn upon an Examination in the usual Form, would have amounted to wilful and corrupt Perjury, every Person so offending, being thereof lawfully convicted, shall incur the same Penalties and Forfeitures as by the Laws and Statutes of this Realm are provided against Persons convicted of wilful and corrupt Perjury.

"IV. And be it further enacted by the Authority aforesaid, That from and after the said Twenty-ninth Day of September One thousand seven hundred and thirty-two, the Houses, Lands, Negroes, and other Hereditaments and Real Estates, situate or being within any of the said Plantations, belonging to any Person indebted, shall be liable to and chargeable with all just Debts, Duties, and Demands of what Nature or Kind soever owing by any such Person to His Majesty or any of His Majesty's Subjects, and shall and may be Assets for the Satisfaction thereof in like Manner as Real Estates are by the Law of England liable to the Satisfaction of Debts due by Bond or other Specialty, and shall be subject to the like Remedies, Proceedings, and Process in any Court of Law or Equity in any of the said Plantations respectively, for seizing, extending, selling, or disposing of any such Houses, Lands, Negroes, and other Hereditaments, and Real Estates, towards the Satisfaction of such Debts, Duties, and Demands, and in like Manner, as Personal Estates in any of the said Plantations respectively were seized, extended, sold, or disposed of for the Satisfaction of Debts."

(54 Georgii III. Cap. 15.) "An Act for the more easy Recovery of Debts in His Majesty's Colony of New South Wales.—Whereas His Majesty's Subjects trading to and residing in the Colony of New South Wales and its Dependencies lie under great Difficulties for Want of more easy Methods of proving, recovering, and levying of Debts due to them within the said Colony: And whereas it is expedient those Difficulties should be removed: May it therefore please your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons in this present Parliament assembled, and by the Authority of the same, That from and after the Twenty-fifth Day of June One thousand eight hundred and fourteen, in any Suit or Action then depending or hereafter to be brought in any Court of Law or Equity within the said Colony of New South Wales or its Dependencies, for or relating to any Debt or Account wherein any Person residing in Great Britain shall be a Party, it shall and may be lawful to and for the Plaintiff or Defendant, and also to and for any Witness to be examined or made use of in such Action or Suit, to verify or prove any Matter or Thing by Affidavit or Affidavits in Writing upon Oath, or in case the Person making such Affidavit being one of the People called Quakers, then upon his or her solemn Affirmation, made before

any

W. Duff, Esq.
G. Guillonneau, Esq.
and
J. Comerford, Esq.

any Mayor or other Chief Magistrate of the City, Borough, or Town Corporate in Great Britain, where or near to which the Person making such Affidavit or Affirmation shall reside, and certified and transmitted under the Common Seal of such City, Borough, or Town Corporate, or the Seal of the Office of such Mayor or other Chief Magistrate; which Oath and solemn Affirmation every such Mayor and Chief Magistrate shall be and is hereby authorized and empowered to administer; and every Affidavit or Affirmation so made, certified, and transmitted shall in all such Actions and Suits be allowed to be of the same Force and Effect as if the Person or Persons making the same upon Oath or solemn Affirmation as aforesaid had appeared and sworn or affirmed the Matters contained in such Affidavit or Affirmation vivâ voce in open Court, or upon a Commission issued for the Examination of Witnesses or of any Party in any such Action or Suit respectively; provided that in every such Affidavit and Affirmation there shall be expressed the Addition of the Party making such Affidavit or Affirmation, and the particular Place of his or her Abode.

"II. And be it further enacted, That in all Suits now depending or hereafter to be brought in any Court of Law or Equity by or in behalf of His Majesty, His Heirs and Successors, in the said Colony of New South Wales or its Dependencies, for or relating to any Debt or Account, that His Majesty, His Heirs and Successors, shall and may prove His and their Debts and Accounts, and examine His or their Witness or Witnesses, by Affidavit or Affirmation in like Manner as any Subject or Subjects is or are empowered or may do by this present Act.

"III. Provided always, and it is hereby further enacted, That if any Person making such Affidavit upon Oath or solemn Affirmation as aforesaid shall be guilty of falsely and wilfully swearing or affirming any Matter or Thing in such Affidavit or Affirmation which, if the same had been sworn upon an Examination in the usual Form, would have amounted to wilful and corrupt Perjury, every Person so offending, and being thereof lawfully convicted, shall incur the same Penalties and Forfeitures as by the Laws and Statutes of this Realm are provided against Persons convicted of wilful and corrupt Perjury.

"IV. And be it further enacted, That from and after the said Twenty-fifth Day of June One thousand eight hundred and fourteen the Houses, Lands, and other Hereditaments and Real Estates, situate or being within the said Colony of New South Wales or its Dependencies, belonging to any Person indebted, shall be liable to and chargeable with all just Debts, Duties, and Demands of what Nature or Kind soever owing by any such Person to His Majesty or any of His Subjects, and shall and may be Assets for the Satisfaction thereof in like Manner as Real Estates are by the Law of England liable to the Satisfaction of Debts due by Bond or other Specialty, and shall be subject to the like Remedies, Proceedings, and Process in any Court of Law or Equity in the said Colony of New South Wales or its Dependencies, for seizing, extending, selling, or disposing of any such Houses, Lands, and other Hereditaments and Real Estates, towards the Satisfaction of such Debts, Duties, and Demands, and in like Manner, as Personal Estates in the said Colony are seized, extended, sold, or disposed of for the Satisfaction of Debts."

A Practice has grown up upon those Two Acts, which has been applicable to all other Countries, both as to His Majesty's Dominions Abroad and to Foreign Countries generally. In Cases of Debt, in Proof of Execution of Deeds, and many other Cases, Affidavits have been made and are received in Evidence in Foreign Courts and in His Majesty's Dominions, and for a Variety of other Purposes, such as putting Deeds on Record, and so on.

State the different Cases that you know?

Proof of Debts and Proof of the Execution of Deeds; no other occurs to me at the present Moment, but these are the most important. If I may be allowed to hand in an altered Act, I think it will meet every Purpose that we contemplate.

The Witness here hands in the Act, altered as follows:

"Recite the Act 5th George 2d, Chap. 7; also recite the Act 54th George 3d, Chap. 15.

"Whereas His Majesty's Subjects trading to and residing in His Majesty's Territories, Plantations, Colonies, Possessions, or Dependencies Abroad, lie

W. Duff, Esq.
G. Guillonneau, Esq.
and
J. Comerford, Esq.

under great Difficulties for Want of more easy Methods of proving, recovering, and levying of Debts due to them within the same: And whereas it is expedient those Difficulties should be removed: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the Day of One thousand eight hundred and in any Suit or Action then depending or thereafter to be brought or intended to be brought in any Court of Law or Equity within any of the Places aforesaid, for or relating to any Debt or Account wherein any Person residing in Great Britain and Ireland shall be a Party, or for or relating to any Lands, Tenements, or Hereditaments, or other Property, situate, lying, and being in the said Places respectively, it shall and may be lawful to and for the Plaintiff or Defendant, and also to and for any Witness to be examined or made use of in such Action or Suit, to verify or prove any Matter or Thing relating thereto by solemn Declaration or Declarations in Writing, or in case the Person making such Declaration be one of the People called Quakers, then upon his or her solemn Affirmation, made before any Mayor or other Chief Magistrate of the City, Borough, or Town Corporate in Great Britain and Ireland where or near to which the Person making such Declaration or Affirmation shall reside, and certified and transmitted under the Common Seal of such City, Borough, or Town Corporate, or the Seal of the Office of such Mayor or other Chief Magistrate, or the Signature and Official Seal of any Notary Public duly admitted and practising; which Declaration and solemn Affirmation, and every Declaration or Affirmation relative to such Matter or Thing as aforesaid in any Foreign Kingdom or State, or to the Voyage of any Ship or Vessel, every such Mayor and Chief Magistrate shall be and he is hereby authorized and empowered to administer or receive; and every Declaration or Affirmation so made, certified, and transmitted shall in all such Actions and Suits be allowed to be of the same Force and Effect as if the Person or Persons making the same had appeared and sworn or affirmed the Matters contained in such Declaration or Affirmation vivâ voce in open Court, or upon a Commission issued for the Examination of Witnesses or of any Party in such Action or Suit respectively; provided that in every such Declaration and Affirmation there shall be expressed the Addition of the Party making such Declaration or Affirmation, and the particular Place of his or her Abode.

"II. And be it further enacted, That it shall and may be lawful to and for any attesting Witness to the Execution of any Will or Codicil, Deed or Instrument in Writing, and to and for any other competent Person, to verify and prove the signing, sealing, Publication, or Delivery of any such Will, Codicil, Deed, or Instrument in Writing by such Declaration or Affirmation in Writing made before any such Mayor or other Chief Magistrate as aforesaid, to be certified and transmitted as aforesaid; and every such Mayor or other Chief Magistrate shall be and is hereby authorized and empowered to administer or receive such Declaration or Affirmation.

"III. And be it further enacted, That in all Suits now depending or hereafter to be brought in any Court of Law or Equity by or in behalf of His Majesty, His Heirs and Successors, in any of His said Majesty's Territories, Plantations, Colonies, Possessions, or Dependencies, for or relating to any Debt or Account, that His Majesty, His Heirs and Successors, shall and may prove His and their Debts and Accounts, and examine His or their Witness or Witnesses, by Affidavit or Affirmation, in like Manner as any Subject or Subjects is or are empowered or may do by this present Act."

The Affidavits you allude to, which are now taken with respect to America, the Brazils, and other of His Majesty's Colonies, are not sanctioned by any Statute?

They are not.

If a Man makes a false Affidavit in these Cases is there any Way of punishing him?

I conceive there is not at present; it is not required by Law.

The only Security, therefore, that the Oath gives, is the Binding that it may have upon the Man's Conscience who takes it?

Precisely so.

From

W. Duff, Esq.
G. Guillonneau, Esq.
and
J. Comerford, Esq.

From the Number of Persons who take these Oaths, do you not think that a great many of them do not consider it as binding upon their Conscience?
I should say the Affidavits which I allude to, that are prepared in the Offices of Notaries, are generally considered very binding; as binding upon a Man who makes a Declaration before a Magistrate as if he went into a Court of Justice.

Do you think that if the Act of this Session is permitted to continue as it is, that the Object of the Act will be evaded by the Parties going to the Consuls of America, and there taking an Affidavit?
I do not think that it will; I believe the Words of the Act render that impossible.

Do you think if Parliament had thought fit to substitute in all the Cases in those Acts which now apply to the West Indies and to Australia a Declaration, subject to the Pains and Penalties of Perjury, that that would have been a Safeguard to the Commercial Interest?
I have no Doubt that it would.

Then the only Object you have is, that the Merchants trading to the Brazils, to America, and to other Parts of the World should be put on the same Footing as those trading to the West Indies and Australia?
Precisely so.

And if a Declaration was made generally for all the Merchants trading both with Australia, the West Indies, and other Parts of the World, you would be satisfied?
Perfectly so.

You only want fair Play?
We merely want to be enabled to sue for our Debts when we are obliged to do so.

And you think a Declaration would have that Effect?
I have no Doubt that it would.

Do you not think, upon a general Principle, that unnecessary Oaths should be abolished?
Unquestionably.

That is your Opinion?
Most decidedly it is. I should wish to make an Observation upon the Question relative to Declarations. It appears to me that unless you intend to abolish the taking Evidence on Oath in Courts of Justice, which I presume is not the Intention at present, that it seems a little inconsistent that you should take a Man's Declaration before a Magistrate, when you have no Means of Cross-examination, and that Witnesses produced in Court should be upon Oath and subject to Cross-examination. That is the Objection I have to Declarations.

There is an Anomaly exists in the Law with respect to that, because if a Witness in a Court of Justice perjures himself, you may punish him, but you cannot punish the Person who has made a voluntary Affidavit, which is not sanctioned by Statute or by the Common Law?
There is that Anomaly. With regard to the binding of a voluntary Oath on the Conscience, I really do think that a very large Portion of the Public have had their Eyes opened by this Act; that, independent of the conscientious binding, hitherto when Parties have taken their Affidavits with regard to bonâ fide Commercial Matters, that they have done it under the Apprehension which now turns out erroneous,—that they would be liable to a Prosecution for Perjury if they took a false Oath before a Magistrate. I think if Nine Persons out of Ten had been asked in the City of London, say Two Months ago, that they would have said such was the Impression on their Minds. This Act, therefore, has taken away that Sort of binding.

And you would be perfectly satisfied if you were to be placed upon the same Footing?
Yes.

The Witnesses are directed to withdraw.

S. Higham, Esq.

SAMUEL HIGHAM Esquire is called in, and examined as follows:

You are in the National Debt Office?
I am Comptroller of the National Debt Office.

Are you aware of an Act of Parliament passed lately with respect to the Abolition of unnecessary Oaths?
I am.

In the National Debt Office are you in the habit of calling upon Persons to take voluntary Affidavits?
We are not; we do not require Persons to take voluntary Affidavits. Before the late Annuity Act the Commissioners of the National Debt Office were obliged to require such an Affidavit to be made; but in the Year 1832 all those Affidavits, with the Exception of One, were entirely abolished, and we have introduced a Declaration in lieu of it.

What has been the Result of repealing those Oaths?
We find a great Convenience; and I believe we have no Reason to complain of any Degree of Insecurity.

What is the one retained?
The one retained is in the Case of making a Purchase, that is, the Purchase of a Life Annuity; where a Life Annuity is purchased, it cannot be subsequently received until we have Proof of the Existence of the Nominee. Formerly, in addition to a Certificate under the Hands of the Minister of the Parish where such Nominee resided, the Act of Parliament required an Affidavit of a Magistrate to satisfy the Commissioners that the Person named in the Security was identically the Nominee upon whose Life the Annuity depended. That is the Affidavit which is now dispensed with. Evidence of the Existence of the Nominee coming before the Commissioners every Half Year, it became altogether unnecessary to receive Affidavits. The Life Annuity not being transferrable Property, not so frequently, at least, as Stock or Annuities for a certain Term of Years, we were perfectly satisfied if we could obtain the Indorsement of the Nominee or of the Proprietor on the Back of the Certificate, at the same Time declaring that he was the Nominee upon whose Life the Annuity depended.

Are you of opinion that the Affidavit which is now retained might be dispensed with, and a Declaration substituted?
Giving that Declaration the same Validity as the Oath, I see no Reason why it should not.

What is the Act which gives you the Power of imposing that Affidavit?
The 10th of George IV. Chapter 27.

What Section?
Section 7. You will find several Affidavits are required; but by a subsequent Act, the 2d and 3d of William IV. Chapter 59., those Oaths are abolished as far as they apply to the Receipt of the Annuity, and also in Cases where an Annuity is purchased, upon Evidence being produced to the Commissioners upon Oath. For example, when once the Baptismal Register of the Nominee is lodged in the Office of the Commissioners, any Individual may come afterwards and appoint him as his Nominee, by the mere Act of signing the Declaration. Perhaps it would be convenient if I was to give in the Form in Cases in which the Affidavit is retained. When the Baptismal Register of a Native of the United Kingdom can be produced, it states. These are the Forms which are required to be made; and where the Parties cannot produce their Baptismal Register, those are retained. Both these Cases refer to fair Purchasers of their Annuity.

S. Higham, Esq.

(Natives with Registers.)

FORMS for the PURCHASE of GOVERNMENT LIFE ANNUITIES, which must be strictly attended to.

Annuity.

No. Value

DECLARATION—Single Lives.

The Declaration will be filled up at the Office—to be signed by the Purchaser, or by some Person on his or her Behalf.

If the Register of the Birth or Baptism cannot be procured, apply at the Office for other Forms.—(See Notice at the Back of this Form.)

I do hereby declare to the Commissioners for the Reduction of the National Debt, That I am desirous, on the Behalf of to to the said Commissioners the Sum of for the Purchase of a Life Annuity; and I do hereby nominate now of the Age of Years, to be the Person on the Continuance of whose Life the said Annuity is to depend, and whose Age is certified and verified by the Certificates and Affidavits now produced.

Witness my Hand this Day of 18 .
[To be dated on the Day of Contract.]

Insert under No. 2. a true Copy of the Register, so far as relates to the Birth or Baptism of the Nominee; and state whether the Commencement of the Year in the Register is on the 25th of March according to the Old Style, or on the 1st of January according to the New Style. If it be according to the Old Style the Year must be inserted thus:—Example, "1740 ending 1741," stating the Year, as the Case may be.

No. 2.

I DO hereby certify, That the aforegoing is a true Copy, extracted from the Register of the Parish of in the County of .
*

Witness my Hand, A. B., Minister of the said Parish.

Signed by the said Minister in the Presence of us, this Day of 18 .

Witness, C. D. of .

Witness, E. F. of .

* *Note.*—If the Minister be absent, the above Certificate may be signed by Two Churchwardens or Overseers of the Parish, in the Presence of Two Witnesses; but the Words, "in the Absence of the Rev. A. B., the Minister of the said Parish," must follow the Mark * above.

No. 3.

To be sworn by One of the Witnesses to the aforegoing Register, before any Justice of the Peace or Magistrate acting for the County, City, Riding, Town, or Place wherein this Affidavit may be made.

I C. D. of do swear, That I have examined and compared the aforegoing Copy of the Register of the Birth [*or* Baptism] of with the Register of the Parish of in the County of and that I saw the Reverend A. B., the Minister of the said Parish, sign the said Certificate of the aforegoing Copy of such Register, and that the Names of myself and E. F. Witnesses to the signing the said Certificate by him the Minister of the Parish aforesaid, are of our own proper Hand-writing. So help me GOD.

{The Person who makes this Affidavit must sign here} C.D.

Sworn at in the County of on this Day of 18 , before me

Witness my Hand Justice of the Peace for

S. Higham, Esq.

No. 4.

AFFIDAVIT to be made by the Purchaser, or by some Person on his or her Behalf, before any Justice of the Peace or Magistrate acting for the County, City, Riding, Town, or Place wherein this Affidavit shall be made.

I G.H. do swear, that I.K. named in the foregoing Copy extracted from the Register of the Parish of in the County of am [*or* is] the Person who is appointed to be the Nominee on whose Life an Annuity is proposed to be purchased.
So help me GOD.

{ The Person who makes this Affidavit must sign here. } G.H.

Sworn at in the County of on this Day of 18 , before me .
Witness my Hand Justice of the Peace for .

NOTICE.

If Bank Annuities or Long Annuities for the Term of Years shall be transferred, or Payment shall be made in Money, between the 5th Day of January exclusive and the 5th Day of April inclusive - - -	The Life Annuity will become payable on the 5th July and 5th January in every Year.
If between 5th April exclusive and 5th July inclusive - - - - -	It will become payable the 10th October and 5th April in every Year.
If between 5th July exclusive and 10th October inclusive - - - - -	It will become payable the 5th January and 5th July in every Year.
If between 10th October exclusive and 5th January inclusive - - -	It will become payable on the 5th April and 10th October in every Year.

Note.—Neither Bank Annuities nor Long Annuities, nor Annuities for Terms of Years, can be transferred during their shutting.

* See Note at Foot.

* Take notice:—The 4th April, the 4th July, the 9th October, and the 4th January are the last Days in each Quarter on which Contracts can be entered into to enable the Transfer of Stock or Payment in Money; on the 5th April, the 5th July, the 10th October, and the 5th January, for the Annuity to become payable as above stated. If either of the last-mentioned Quarter Days shall happen to fall on a Sunday, then the Contract must be entered into on the 3d July, the 8th October, and the 3d January.

Are you of opinion that a Declaration, subject to Pains and Penalties as for Perjury, would have the Effect?
As far as my Experience will enable me to form an Opinion, I should say, to Men of honourable Feelings it would.

In point of fact, if a Man who takes the Affidavit is not an honourable Man, he might perjure himself?
Most unquestionably.

How long have you been in the National Debt Office?
About Twenty-eight Years.

Have you ever known the Commissioners of the National Debt Office prosecute any Man for wilful Perjury?
Not One; nor do I think that the Commissioners have ever lost a Farthing by Fraud.

Is your Office under the Treasury?
No; under a special Act.

This Bill only refers to Government Offices under the Treasury. Their Lordships would not have the Power, therefore, by Minute, of substituting Declarations for Oaths in your Office?
Certainly not. I have an Opinion upon this Bill; and it strikes me that the National Debt Office is altogether exempt, inasmuch as there is Mention of it: therefore we continue, in those Cases that I have stated, to administer Affidavits as usual. This is the Form of Declaration which we require in Cases of receiving Life Annuity. If a Person was to appear at the National Debt Office with

S. Higham, Esq.

with a Certificate of the Existence of the Nominee, he would be required to sign the Certificate, which we consider equivalent to an Indorsement. (*The Witness handed in the Certificate.*)

DECLARATION for the RECEIPT of LIFE ANNUITY (48 Geo. 3. Cap. 146. and other subsequent Acts.)

I DECLARE, That the Person named and described in the annexed Certificate is the Nominee upon whose Life the Annuity of Pounds doth depend, a Half Year's Payment of which became due on the .
Witness my Hand this Day of 183 .

EXTRACT from the Act 2 & 3 Will. 4. Cap. 59.

" And if any Declaration shall be untrue in any Particular, the Person making the same shall, over and above every other Penalty to which such Person may become subject, forfeit the Sum of One hundred Pounds."

The Witness is directed to withdraw.

Ordered, That this Committee be adjourned to Monday the 13th Instant, Twelve o'Clock.

Die Lunæ, 13° *Julii* 1835.

The Duke of RICHMOND in the Chair.

Evidence on Substitution of Declarations in lieu of Oaths.

J. Freshfield, Esq. M.P.

JAMES FRESHFIELD Esquire, a Member of the House of Commons, attending, is examined as follows:

You are connected with the Bank of England?
I am Solicitor to the Bank of England.

Has the Act of Parliament, of the present Session, for the Abolition of unnecessary Oaths, been found to be productive of some Inconvenience with respect to the Bank of England?

Yes. The Bank has been in the habit of receiving Affidavits to remove Difficulties occurring in relation to the Transfer of Stock as to the Identity of Parties, and a Variety of other Impediments, which Impediments are recognized by the general Stamp Act of the 55th of George the 3d, Chapter 184; and these Affidavits amount in the course of the Year to between 10,000 and 12,000. In these Cases we apprehend the Bank is not bound to receive any one of such Affidavits, and that they might put the Public to prove the Facts which are necessary to entitle the Individual to transfer the Stock in a particular Instance. The consequence of their doing so would be to throw Difficulties upon the Public from themselves. They have been willing to take upon themselves considerable Risk in consequence of the Value which they attached in a Moral Sense, connected with these Affidavits. Whether the Affidavits were strictly legal in such a Sense as to entitle them to indict for Perjury has always been considered by their Legal Advisers a doubtful Point, although they have never considered the Affidavits in another Sense as strictly voluntary, in consequence of not having been recognised by the Act of Parliament. The Bank has a good deal of Experience of the Difference between Certificates and Affidavits. Certificates have frequently been offered to the Bank and rejected by them; and the Parties have found it very difficult, and at Times considerable Delay has taken place, in certifying the same Facts by Affidavit. That has induced the Bank to attach, perhaps, more Importance to the Oath than they would have done under other Circumstances or upon general Principles. When the particular Act to which the Committee refer had passed, the Bank was advised that the Declaration intended to be substituted by that Act of Parliament, instead of an Oath, would have been recommended to them as perfectly satisfactory, connected with the Penalties of Perjury; but it appeared to those who had to advise them, that it was not competent to them to require such Declaration, because the Declaration would have been more voluntary than the Oaths which they at present receive, that Act of Parliament not extending to entitle them to require any such Declaration, and therefore not drawing after it the Penalties imposed by the Act.

Are you of opinion that the Bank would be satisfied if a Declaration was substituted for the Affidavit, subject to the Pains and Penalties of Perjury; do you think there would be any Difficulty on the Part of the Bank to draw up for that Purpose a Clause in the Bill which is about to be brought in?

Certainly not. There are a few other Instances which have come within my own Professional Knowledge, and if it is not irregular I should wish to state them. I do not know whether the Committee are aware that under the Colonial Acts, wherever there is a Colonial Legislature, that Facilities are given for the Establishment of Debts, and for the Proof of Debts in their Courts, where there is a Colonial Legislature. There is an Act of Parliament entitling us to send out an Affidavit sworn before a Chief Magistrate, and

J. Freshfield, Esq., M. P.

authenticated by the Corporate Seal; and that Affidavit is received in the Colony as Evidence, rendering a Commission therefore unnecessary. There is also an English Statute which applies,—in Terms it is general,—but it applies certainly to the Colonies where there is no Legislature, and where there can be no such Act. The English Act is the 5th of George the Second, Cap. 7. intituled "An Act for the more easy Recovery of Debts in His Majesty's Plantations and Colonies in America;" and under the same Statute there are Facilities given for the Mode of proving the Execution of Deeds, the Deeds being attested in this Country and sworn to by a Witness, the Oath is taken before a Chief Magistrate, authenticated by their Corporate Seal; and they are also received as Evidence abroad. In Holland the Affidavit is also received in Evidence,—an Affidavit taken here; and in the Brazils an Affidavit is also received, and in Russia. The French only require a Declaration before Four Persons not being related, or before a Notary. Those are Instances in which the Magistrates would have no Power to administer the Oath now, and in which it appears to me it would be material they should still continue to administer the Oath in order to apply the Corporate Seal.

If the Bank was to throw upon the Public the Onus of proving the Matters which they now admit on Affidavit, would it be a very serious Expense to the Parties?

It would be a very serious Expense, indeed. I should say they might fairly, (as they would not be advised to take any very strict or technical Objection,) they might fairly raise a Question in 3,000 out of 12,000.

Which would be a great Expense to the Parties?

Yes.

I thought you said the Bank had Reason to think that those Certificates were not so binding as the Oath?

Certainly; but I consider that the Declaration proposed by this Act of Parliament, being a solemn Declaration, and drawing after it the Consequences of Perjury, that Individuals and the Public would soon become associated with the Nature of the Declaration, and would regard it as a solemn Instrument, and not as a mere Certificate.

Then you think it would be valid, and accepted as such?

Just so. I have known Instances in which I have had occasion to inquire where a mere Signature had been accepted. I had occasion to inquire afterwards whether the Fact could be proved by a Person, and on looking at his own Signature he said he could not, but because he found an Indication against his Signature, implying he did not know the Fact, but merely certified it.

Mr. Freshfield withdraws.

Ordered, That this Committee be adjourned to Thursday next, Eleven o'Clock.

APPENDIX

TO

THE MINUTES OF EVIDENCE

TAKEN BEFORE

The Select Committee on the Substitution of a Declaration in lieu of Oaths in certain Cases. 1835.

(*Papers delivered in to the Committee, 13th July* 1835.)

No. 1.

Copy of Treasury Minute, dated 19th June 1835, relative to the Abolition of Oaths, &c.

The Chancellor of the Exchequer calls the Attention of the Board to an Act for the more effectual Abolition of Oaths and Affirmations, and to substitute Declarations in lieu thereof, which Act has received the Royal Assent on the 12th Instant, and has come into operation on the 15th of the same Month.

Under this Enactment it is provided, "That in any Case where by any Act or Acts made or to be made relating to the Revenues of Customs or Excise, the Post Office, the Office of Stamps and Taxes, the Office of Woods and Forests, Land Revenues, Works, and Buildings, the Army Pay Office, the Office of the Treasurer of the Navy, or of the Treasurer of the Ordnance, His Majesty's Treasury, Chelsea Hospital, Greenwich Hospital, the Board of Trade, or any of the Offices of His Majesty's Principal Secretaries of State, the Office for auditing the Public Accounts, or any Office under the Control, Direction, or Superintendence of the Lords Commissioners of His Majesty's Treasury, any Oath, solemn Affirmation, or Affidavit might, but for the passing of this Act, be required to be taken or made by any Person on the doing of any Act, Matter, or Thing, or for the Purpose of verifying any Book, Entry, or Return, or for any other Purpose whatsoever, it shall be lawful for the Lords Commissioners of His Majesty's Treasury or any Three of them, if they shall so think fit, by Writing under their Hands and Seals to substitute a Declaration to the same Effect as the Oath, solemn Affirmation, or Affidavit which might, but for the passing of this Act, be required to be taken or made; and the Person who might under the Act or Acts imposing the same be required to take or make such Oath, solemn Affirmation, or Affidavit, shall, in Presence of the Commissioners, Collector, other Officer, or Person empowered by such Act or Acts to administer such Oath, solemn Affirmation, or Affidavit, make and subscribe such Declaration, and every such Commissioner, Collector, other Officer, or Person is hereby empowered amd required to administer the same accordingly." In order to carry the Intentions of the Legislature into immediate Effect, the Chancellor of the Exchequer suggests that Letters should be immediately written to those several Departments, requiring from each of them a Return of the Oaths which are still required to be taken under their Authority, with a view to the Substitution of Declarations for such Oaths, as far as is practicable.

Read 5th Wm. 4. Cap. 8.

My Lords concur, and direct the Letters to be written accordingly.

No. 2.

LETTER from ——— to ———.

27th June 1835.

I take the Liberty of addressing your Lordship, in order to point out a most important and serious Error, or rather Omission, which is observable in the Act of Parliament passed this Session for the Abolition of Oaths, and prohibiting voluntary Affidavits sworn before Justices of the Peace; and which may have a most injurious Operation upon the Trading Classes of this Country, and especially upon your Mercantile Constituents.

The Framers of the new Act appear not to have been aware, that very many Kinds of Instruments and Documents, constantly sent out from this Kingdom to Foreign Countries, require by the Laws or Usages of those Places to be authenticated by Affidavit, to be sworn before a Magistrate; such, for example, as Powers of Attorney to act Abroad in the Mercantile Affairs of Persons residing here, and Affidavits of Debt to arrest or sue Foreign Creditors: nay, it was only last Month that a Merchant of this Town, a Partner in a Firm, well known to your Lordship, brought to me the Documents by which he was selling and conveying an Estate at Baltimore, by the Laws or Usages of which the Witness was obliged to swear to an Affidavit of the Execution of the Document before the Mayor, and the Seller had to acknowledge the Execution also before the Mayor. This Ceremony cannot be dispensed with; and if the Act is to remain as now passed, it will, I fear, amount to a Prohibition against British Merchants recovering, realizing, or selling Debts, Property, or Ships in Foreign Countries. (The old Act, 5 George 2. c. 7. does not affect the Question, as it merely applies to Affidavits respecting Actions or Suits in Courts of Law or Equity in British Plantations Abroad.) I am, as your Lordship knows, an Enemy to the unnecessary Multiplication of Oaths; but in this Case it is necessary that some Alteration should be made in the new Act, otherwise a great Injustice will be committed against the Mercantile Community.

I observe that on Wednesday last ——————— gave Notice of a Motion to make some Alteration in the new Act. Allow me respectfully to suggest, that this may afford an excellent Opportunity for correcting it, if your Lordship should see the Justice of my Observations, and would endeavour to get the following Clause added:

" Provided always, that, notwithstanding any thing in the said Act or in any other Act contained, it shall be lawful for any Person to swear to any Oath, Affidavit, or Affirmation intended to be sent to Parts beyond the Seas, authenticating or referring to any Deed, Instrument, Paper, or Account whatsoever; which Oath, Affidavit, or Affirmation any Mayor, Chief Magistrate, or Justice of the Peace shall be and is hereby authorized and empowered to administer."

There are also various Affidavits, which are commonly made before Magistrates, to be used in this Country, such as those accompanying Notices of Dissolutions of Partnerships for Insertion in the London Gazette, Affidavits to be used at the Bank of England, or respecting Property in the Public Funds, which I think ought also to be specially excepted, or the passing them over in Silence may cause great Inconvenience and Expense to the Parties wanting to use them.

No. 3.

LETTER from ——— to ———.

The Principles upon which the recent Act has abolished the Practice of administering voluntary Oaths are indisputably good; but it will probably be found that, by taking away all Discretion, and by not allowing some useful Exceptions, the Prohibition is of rather too sweeping a Nature.

The following Particulars may be mentioned as Instances in which Inconvenience may arise from the Want of a discretionary Power in the Magistrates.

In the Case of Persons residing in England, who are Creditors of Residents in Scotland, the Tribunals of the latter Country pay so much Respect to an Affidavit of the Debt sworn before a Justice of the Peace here, as to make it not only the Foundation of Legal Process, but in many Cases to receive it as a Proof of the Debt. It is a frequent Practice for London Tradesmen to come before the Magistrates at the Police Offices to swear to Debts owing by Individuals in Scotland, by which Means they are enabled to recover the same with great Facility. By prohibiting this Practice, a great Public Convenience will be cut off. The same Proceeding has occasionally, in my Practice, been adopted in the Case of Debts due in Foreign Countries.

In

In the perfecting of Titles to Property, in a Course of Alienation, certain Defects of Proof as to Debts, Births, or Marriages of Parties, are very often, in the Case of willing Purchasers, supplied, under the Sanction of eminent Conveyancers, by a simple Affidavit, without waiting for the Delays and Expense consequent on more formal Proof, which may frequently be obtainable only in distant Countries. It is a very frequent Practice for Solicitors to bring Persons before Magistrates to depose to the Facts required; and the administering the Oaths is found to be extremely convenient, and to save Litigation, Trouble, and Expense.

It occasionally happens, that a Dispute arises between Two Persons in the lower Classes of Life as to a Debt; the one alleging it to be still due, the other insisting that it has been paid. At the Moment that this Dispute is about to furnish the Material for a Law-suit, the contesting Parties, at the Suggestion of a mutual Friend, or perhaps on their own voluntary Movement, agree to go before a Justice, the one to swear to the disputed Fact, the other to listen to the Oath, with an Understanding that they will conform themselves to the Statement put forth under that Sanction, without further Litigation; whereby a coming Law-suit is suppressed, ruinous Expense is saved, and endless Broils are obviated. The Principle of this Proceeding is somewhat analogous to the Objects stated in Lord Brougham's beautiful Ebauche, as to Courts of Reconciliation, when he introduced his Local Courts Bill, about Three or Four Years ago.

Compositions are often made between Debtors and Creditors, and Property is vested in Trustees to distribute pro ratâ among the Creditors, as far as it will go, in satisfaction of their whole Demands; and the Proof of the Debts, it is agreed, shall be made by Affidavit before a Justice of the Peace. Under the Provisions of the new Act, the Authority to receive such Proof is destroyed; and yet it would seem to be an Authority that may be beneficially exercised for the Prevention of Law-suits.

Executors and Administrators, ignorant of the Circumstances and Habits of the deceased Person whom they represent, frequently hesitate to pay Bills delivered to them, without the Creditors swearing to the Fact of the Money being due and owing. Such an Oath is indeed a voluntary one, and without any legal Validity, but it saves the Scruples of a Party who is disbursing the Property of another; and for every Oath so sworn a Suit at Law is saved.

In the Registers of Christenings, Burials, and Marriages, which are now kept by the Parochial Clergy, great Errors are very often committed, which may eventually be fatal to the Rights of Inheritance and Succession. On such Errors being discovered, the Clergymen uniformly refuse to rectify them unless an Affidavit is made on the Subject before a Justice of the Peace; but, though such Rectification is a Matter of Public Benefit, the late Act takes away the Authority to adminster the Oath which would effect it.

Appointments to various Public Situations; Admissions to different Scientific and Charitable Institutions; the Authority to exercise various Crafts in particular Places, are all frequently dependent on the Question of the Candidate's or Nominee's Age, or of the Length of the Individual's Service; and it has been customary to prove all such Facts before a Magistrate. But it would seem that under the new Law this can no longer be done.

Perhaps it will be found, that a Clause in the proposed Amendment Bill, to the following Effect, will preserve the useful Objects which have been above adverted to.

"And whereas it has been considered that the entire Prohibition of voluntary Oaths, as declared by the said Act, may in some Instances be productive of Public Inconvenience, be it enacted, That nothing in the said Act contained shall prevent any Justice of the Peace from administering any Oath, in his Discretion, as to any Debt alleged to be due to the Person making the same in any Country other than England and Wales, upon such Justice being satisfied that such Oath will be received and used as Proof of a Legal Claim in the Country or Jurisdiction for which the same is professed to be required; nor any Oath as to any Fact which may be material and necessary for perfecting the Title to any Property whatsoever about to be conveyed or assigned to an intended Purchaser; nor any Oath which may be calculated to compromise or prevent Suits at Law, or to amend erroneous Entries in Parochial Registers, or which may facilitate the Appointment of any Nominees or Candidates for Public Situations or Eleemosynary Institutions, or the Admission of Persons to the Exercise of their Trade or Craft in particular Places."

29th June 1835.

No. 4.

LETTER from ——— to ———.

———, 27th June 1835.

Observing that ——— is about to bring forward a Bill for amending an Act for the Abolition of Oaths, &c. lately introduced to Parliament by ———, I beg leave most respectfully to call ——— Attention to the Eighth Section of that Act, which recites, that Churchwardens are required to take an Oath of Office before entering upon the Execution thereof; and then enacts, that in future every Person entering upon the Office of Churchwarden shall, in lieu of the Oath of Office, make and subscribe a Declaration as therein mentioned.

Now, in all the Archdeaconries with which I am acquainted, it has always been the Practice to administer Two Oaths, one to the old Churchwarden on quitting Office, and the other to the new Churchwarden on entering upon it; and the Section of the Act to which I have called ——— Attention appears only to apply to the Oath administered on entering Office, and not to the Oath on quitting it, unless, indeed, it be by Implication.

Perhaps ——— may deem it advisable to remove this Doubt, by the Insertion of a few Words into the Bill about to be introduced by ———.

I could never clearly see the Necessity for administering an Oath to the Churchwarden on quitting Office; but such having been immemorially the Case in the Archdeaconry of ———, where I have the Honour to be the Official, I felt it my Duty to continue the Practice, and have uniformly administered the Two Oaths, Copies of which I beg Permission to inclose for ——— Perusal.

Praying your ——— Forgiveness for this Intrusion,

I beg to subscribe myself

most respectfully

——— obedient humble Servant,

———

Inclosure in No. 4.

The old Churchwarden's Oath.

You shall swear, That you will true Presentment make of all such Persons and Things as are presentable by the Laws of this Realm, according to the best of your Skill and Knowledge.

So help you GOD.

The new Churchwarden's Oath.

You shall swear, That you will well and truly execute the Office of Churchwarden for the ensuing Year in the Place where you are chosen, according to the best of your Skill and Knowledge.

So help you GOD.

No. 5.

Letter from ——— to ———.

———,

27th June 1835.

I trust it will not be thought an undue Liberty, as ——— has introduced a Bill for the Amendment of the recent Act relative to Oaths, to submit to ——— Consideration, a Clause calculated to obviate an Inconvenience, which might otherwise occur to many Churchwardens and Sidesmen who have been sworn into Office by the Ordinary since the Commencement of the Act, as several Visitations had actually been held before Copies of the Act were received.

I have the Honour to be,

———,

——— very obedient humble Servant,

——— ———

Inclosure in No. 5.

Clause proposed to be inserted in the Bill for amending an Act, intituled "An Act for the more effectual Abolition of Oaths."

"And whereas the Oath of Office required by Law, before the 15th Day of June in the present Year of our Lord 1835, to be taken by Persons serving the Offices of Churchwarden and Sidesman, before entering upon the Execution thereof, was by the said in part recited Act directed to be discontinued from and after the said 15th Day of June 1835, and a Declaration was thereby substituted for such Oath of Office: And whereas divers Visitations of the Ordinary for the Purpose of admitting Churchwardens and Sidesmen into Office, were pending at or after the Time of the Commencement of the said Act, and divers Churchwardens and Sidesmen were, through Ignorance of the Provisions of the said Act, sworn into Office by the Ordinary after the Commencement of the said Act, and such Churchwardens and Sidesmen cannot without much Trouble and Expense be called to make and subscribe in the Presence of the Ordinary or other Person empowered to administer the same the Declaration required by the said Act: And whereas it is desirable that

all Doubts as to the due Admission of such Churchwardens and Sidesmen to execute the Duties of their Office should be removed; be it therefore enacted, That all such Churchwardens and Sidesmen as shall have been sworn into Office before the proper Ordinary or other Person who would have been by Law empowered to administer the said Oath if the said Act had not been made, on or after the 15th Day of June in the present Year of our Lord 1835, but before the passing of this Act, in the Manner required by Law before the said 15th Day of June 1835, shall be deemed to have been duly admitted into the Offices of Churchwardens and Sidesmen as fully to all Intents and Purposes as if the Declaration directed to be made by virtue of the said Act had been made, subscribed, and administered under the Provisions of the said Act; and all Ordinaries or other persons are hereby indemnified against any Suit, Information, or Penalty for administering such Oath."

No. 6.

LETTER from ——— to ———.

———, 3d July 1835.

It was with reference to the 12th Section of the "Act for the more effectual Abolition of Oaths," &c. that I was anxious to draw ——— Attention. That Section provides that "it shall not be lawful for any Justice to administer any Oath, Affidavit, or solemn Affirmation, touching any Matter or Thing whereof such Justice hath not Jurisdiction or Cognizance by some Statute in force at the Time being."

It strikes me that whatever may be the Policy of substituting an Affirmation for an Oath in many Cases, the prohibiting any Affirmation being administered in lieu of an Oath in all Cases where the Magistrate has no Jurisdiction by Statute must be often attended with considerable Inconvenience to the Public. For instance, Affidavits are at present required, though there is no actual Authority to administer them, in Cases of Copies of Registers required by the Bank of England, and of other Proofs which they may demand; also in Cases of Payment of Half Pay, and Pensions, Civil and Military, by the East India Company. They are required also by the Insurance Companies, by the College of Surgeons, Society of Apothecaries, by many Hospitals and Charitable Institutions; also in Cases where Certificates of Birth, Baptism, Marriage, and Burial are required to be sent Abroad, and where the Secretary or Under Secretary of State verifies the Signature of the Magistrate administering the Oath; and on a great many more Occasions, where, though the Affidavit may be said to be voluntary, the Matter in question partakes so much of the Character of Business, that the administering the Oath has never been considered doubtful, and I fear the Refusal to do it will produce considerable Difficulty.

I trust ——— will excuse my troubling you on the Subject.

And believe me,
Yours very faithfully,

——— ———

No. 7.

LETTER from ——— to ———.

———, 30th June 1835.

I trust I need not apologise for directing your Consideration to a practical Inconvenience which will result from the Operation of the Act passed in the present Session for the more effectual Abolition of Oaths.

It is this, that in the Investigation of Titles to Estates it has been and is the common Practice of Conveyancers to require Affidavits of various Facts, in order to the satisfactory Completion of Titles. At the Bank of England also, if, on the Death of a Person possessed of Stock standing in their Books, the Description of such Person, as stated in his or her Will, or from any other Cause, varies in the least from the Description in the Books, an Affidavit is required of the Identity of the Party. The Affidavits alluded to are usually sworn before a Master in Chancery or a Justice of the Peace.

Allow me, most respectfully, to suggest, that in the Bill, which I understand is now on the Table of the House of Lords, to remove the Doubts expressed as to the Time of the Act referred to coming into operation, a Provision may be introduced, either in express Terms to regulate Affidavits of the Description and for the objects pointed out, or to exempt them from the Operation of the Act.

I have the Honour to be,
——— most obedient humble Servant,

——— ———

No. 8.

LETTER from ——— to ———.

———, 29th June 1835.

Having observed that ——— is about to bring into the House of Lords a Bill in order to amend the Act "for the more effectual Abolition of Oaths and Affirmations, and for the more entire Suppression of voluntary and extra-judicial Oaths and Affidavits," I have used the Liberty to write ——— on a Subject connected with this Act, which I think would be very detrimental to the Inhabitants of Scotland.

When a Person becomes insolvent (whose Property is of small Amount) voluntary Trusts are resorted to very frequently, as the least expensive and most expeditious Mode of winding up the Estate, and dividing the Proceeds among the Creditors. Those Creditors, before being ranked as such, make a voluntary Affidavit that their Debtor is due them a certain Sum, and that they hold no Security for it except their Document of Debt. Till this Affidavit be produced to the Trustee or Trustees, the Creditor is not ranked for his Debt on the Trust Estate. These Oaths appear to be absolutely necessary; but as they are voluntary Oaths, and not taken in any judicial Proceedings, it is doubtful if they can be now taken at all; so that there would not be any Safeguard to the Creditors in general against improper Rankings on the Estate, unless, indeed, a Decreet before a competent Court was obtained in every individual Case, which would be attended with a ruinous Expense. If, therefore, ——— could except from the Operation of the Act Oaths or Affidavits of Verity in voluntary Trusts in Scotland, it would certainly tend to the saving of Expense, and be of great Advantage to this Part of the United Kingdom. I should think the Lord Advocate would acquiesce in the Propriety of this Suggestion.

I have the Honour to be,

——— ———

Your most obedient humble Servant,

——— ———.

No. 9.

LETTER from ——— to ———.

———, 11th July 1835.

I have had the Honour to receive ——— obliging Letter of the 6th Instant, in answer to my Letter to ——— respecting the Act for the more effectual Abolition of Oaths, &c.

I beg to state that Persons violating the voluntary Affidavits to which I alluded, by swearing falsely, cannot, I believe, be prosecuted for Perjury; nor, according to the best Information I can procure, are they liable to any Legal Punishment. No Party is obliged to admit such Affidavits as Legal Evidence of the Facts sworn to. They are held to be sufficient only in Cases where there is no Dispute, and no known Ground of Objection. The Practice of requiring them seems to have arisen from their being considered an Appeal to the Almighty, and the Confidence entertained, that such an Appeal would not be made in the Averment of a Falsehood, although no Legal Punishment should ensue. It may be thought, that, generally speaking, the Solemnity of such an Appeal would be held more binding on the Conscience than any Declaration that could be framed.

The practical Difficulty in the Case is, that in all voluntary Trusts for Behoof of Creditors, the Emission of an Affidavit by each Creditor to the Verity of his Debt is the sole Condition on which his Claim can be admitted and ranked on the Trust Funds; and if it be deemed expedient to confirm the Abolition of such Affidavits, some Provision may yet be made as a Remedy in ——— Bill to amend the Act.

I have the Honour to remain,

———,

——— most obedient humble Servant,

——— ———.

Communicated by The Lords, 16th June 1837.

REPORT

FROM THE

SELECT COMMITTEE OF THE HOUSE OF LORDS

APPOINTED TO INQUIRE INTO THE

EXPEDIENCY OF SUBSTITUTING

Declarations in lieu of Oaths in certain Cases;

AND TO REPORT FROM TIME TO TIME TO THE HOUSE;

TOGETHER WITH THE

MINUTES OF EVIDENCE,

AND

AN APPENDIX THERETO.

1835.

Ordered, by The House of Commons, *to be Printed,*
19 *June* 1837.

REPORT

FROM

THE SELECT COMMITTEE OF THE HOUSE OF LORDS

APPOINTED TO INQUIRE INTO THE

EXPEDIENCY OF SUBSTITUTING

Declarations in lieu of Oaths in certain Cases;

AND TO WHOM LEAVE WAS GIVEN TO REPORT FROM TIME TO TIME
TO THE HOUSE AS THEY SHOULD SEE FIT:

TOGETHER WITH THE

MINUTES OF EVIDENCE

TAKEN BEFORE THE COMMITTEE,

AND

AN APPENDIX AND INDEX THERETO.

1837.

In continuation of Parl. Paper of this Session, No. 411,
Ordered, by The House of Commons, *to be Printed,*
19 *June* 1837.

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REPORT.

BY THE LORDS COMMITTEES appointed a SELECT COMMITTEE to inquire into the Expediency of substituting a Declaration in lieu of Oaths in certain Cases; and to whom Leave was given to report from time to time to the House as they shall see fit; and to whom it was an Instruction to extend their Inquiries into the manner of administering and taking Oaths; and to whom was referred the First Report of the Select Committee appointed, in the Session 1834, to inquire into the Expediency of substituting a Declaration in lieu of Oaths in certain Cases; and to whom were also referred the Minutes of Evidence taken before the Select Committee appointed, in the Session 1835, to inquire into the Expediency of substituting Declarations in lieu of Oaths in certain Cases; together with an Appendix thereto;

ORDERED TO REPORT,

THAT the Committee have directed their attention, in the first instance, to the result of the experiment which has been tried in various Departments of the Government by the authority vested in the Lords of the Treasury by the Act of the 5 & 6 W. IV., c. 62.

IT appears by the Evidence, that many hundred thousand Declarations have been taken during the last year, where Oaths would heretofore have been required; and that no practical inconvenience has been found to arise from the change. The Committee are strongly of opinion that it is expedient to proceed still further to carry into execution the recommendations of the Committee of 1834, and to abolish every unnecessary Oath; and although, for the reasons for which the Houses of Parliament have determined to avoid the introduction of any new measures at the present moment, the Committee have thought it expedient not at present to proceed further with their Inquiry, in the hope that it may be resumed in a future Session, when it may lead to such further legislative measures as may give effect to the recommendation which may be suggested by the evidence they shall receive on this very important question,

the Committee have thought it advisable to reprint in the Appendix the Report made by the Select Committee appointed by the House, in the Session 1834, to inquire into the Expediency of substituting Declarations in lieu of Oaths in certain Cases, and the Evidence taken before a Committee appointed for the same purposes in the Session 1835, as expressing the principles which they think should guide any future proceedings upon this subject.

And the Committee have directed the Minutes of Evidence taken before the Committee, together with an Appendix and Index thereto, to be reported to the House.

MINUTES OF EVIDENCE

TAKEN BEFORE

THE SELECT COMMITTEE OF THE HOUSE OF LORDS,

APPOINTED

To inquire into the Expediency of substituting a Declaration in lieu of Oaths, in certain Cases;

AND TO REPORT THEREUPON TO THE HOUSE.

1837.

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Evidence on the Substitution of a Declaration in lieu of Oaths.

John Griffith.

The Duke of RICHMOND in the Chair.

JOHN GRIFFITH is called in, and examined as follows:

Are you Clerk in the Ordnance?
Yes.

Have any Oaths been abolished and Declarations substituted in lieu in your Department?
Yes.

When did the Change take place?
From the 1st January 1836.

State in what Instances?
In the Instances of all Accountants, and all Persons receiving Pensions.

Do you know in how many Instances?
There were Twelve different Kinds of Affidavits required, and those have been substituted by Declarations before Magistrates.

Are there any Oaths remaining in your Department?
None.

Except the Oath of Office?
Except those Oaths taken by the Board Officers in the Courts of Justice on taking out their Patents.

Do the Clerks take any Oath of Office when appointed?
No, they never did.

Has any Inconvenience been found to arise from the Substitution of Declarations in lieu of Affidavits?
It has been Part of my Duty to fill up the Oaths formerly, and now the Declarations for the Civil Pensioners; and they have all expressed great Satisfaction at the Change that has taken place.

And you are not aware of any Frauds having been committed under the new System?
No; I think the Declaration is full as powerful as the Oath was.

Can you state the Number of Declarations now taken in lieu of Oaths in your Department?
We now receive at least 8,200 Declarations; and I should think the same Number of Affidavits were taken formerly, and probably a few more.

Do you mean annually?
Yes.

You say the Parties themselves have expressed Satisfaction at the Declaration being substituted?
Yes.

The Witness is directed to withdraw.

W. Charlton, Esq.
W. N. Round, Esq.

WILLIAM CHARLTON Esquire, and WILLIAM NASH ROUND Esquire are called in, and examined as follows:

(*To Mr. Charlton.*) What Office do you belong to?
The Solicitor's Office to the Board of Woods and Forests and Land Revenues.

What are the Papers you produce?
The Forms of Oaths which used to be taken, and the Forms of Declarations which have been substituted instead of those Oaths.

The Witness delivers in a Paper, which is read, and is as follows:

FORMS of OATHS to be taken by the Commissioners of His Majesty's Woods, Forests, &c. and their Officers, under the Acts of 2 W. 4. c. 1. and 10 G. 4.

Commissioner's Oath.

I do swear, That I will faithfully and diligently execute the Duties of a Commissioner of His Majesty's Woods, Forests, Land Revenues, Works, and Buildings.

So help me GOD.

Officer's Oath.

I do swear, That I will truly, honestly, faithfully, and diligently execute the Duties of the Office to which I have been appointed by the Commissioners of His Majesty's Woods, Forests, Land Revenues, Works, and Buildings.

So help me GOD.

Surveyor's Oath.

I do swear (or being a Quaker do solemnly affirm) that the Survey and Estimate or Account hereto annexed was faithfully and impartially made by me, that the Value of the Property therein contained is justly estimated therein according to the best of my Skill and Judgment, and that all the Particulars stated in the said Survey and Estimate or Account are true to the best of my Knowledge and Belief.

So help me GOD.

FORMS of DECLARATIONS in lieu of Oaths to be made by the Commissioners of His Majesty's Woods, &c. and their Officers, under the 5 & 6 W. 4. c. 62.

Commissioner's Declaration.

I do solemnly and sincerely declare, That I will faithfully and diligently execute the Duties of a Commissioner of His Majesty's Woods, Forests, Land Revenues, Works, and Buildings.

Officer's Declaration.

I do solemnly and sincerely declare, That I will truly, honestly, faithfully, and diligently execute the Duties of the Office to which I have been appointed by the Commissioners of His Majesty's Woods, Forests, Land Revenues, Works, and Buildings.

Surveyor's Declaration.

I do solemnly and sincerely declare, That the Survey and Estimate or Account hereto annexed was faithfully and impartially made by me, that the Value of the Property therein contained is justly estimated therein according to the best of my Skill and Judgment, and that all the Particulars stated in the said Survey and Estimate or Account are true to the best of my Knowledge and Belief; and I make this solemn Declaration conscientiously believing the same to be true, and by virtue of the Provisions of an Act made and passed in the 5th and 6th Year of the Reign of His Majesty King William the 4th, c. 62.

W. Charlton, Esq.
W. N. Round, Esq.

Do the Commissioners now take a Declaration instead of an Oath, the Officers a Declaration instead of an Oath, and the Surveyors a Declaration instead of an Oath?
Yes.

How many Oaths formerly were taken?
There were only Three Forms of Oaths. There are Three Commissioners, and each of those took the Commissioner's Oath.

But only on first Appointment?
Only on a first Appointment. There are only Three Forms of Oath.

How many Persons took the Officer's Oath in a Year?
I should think not many; but Mr. Round, who is Accountant in the Office, can tell you with great Accuracy.

Are there any Oaths still taken?
Not any. They are all Declarations now.

(*To Mr. Round.*) Do you belong to the Woods and Forests?
Yes.

Can you state to the Committee the Number of Declarations that have been taken during the last Twelve Months in lieu of Oaths in your Department?
The Number of Declarations within the last Twelve Months in the Woods and Forests Department have been about Sixty, and that is about the yearly Average.

Are you aware of any Inconvenience having occurred in consequence of substituting Declarations for Oaths in your Department?
None whatever; I find no Difference as regards the Account Department.

The Accounts were formerly swore to?
Yes.

And a Declaration is now taken instead?
Yes.

And you have not discovered any Frauds in consequence of the Change of System?
No; neither Frauds nor Looseness.

You think the Accounts are quite as accurately kept as they were before?
I think better; because they have been more promptly examined than they were before.

Why are they more promptly examined?
There was an Arrear with the Accounts.

That has nothing to do with the Substitution of Declarations?
Nothing whatever.

It was not in consequence of there being any Doubts with regard to their Accuracy from the Parties not being required to swear to them?
Not at all.

(*To Mr. Charlton.*) Are there any Oaths now left?
No.

Are the Surveyors in the Country authorized to administer an Oath?
Not any of them. The Commissioners have Power, under the Act, to administer an Oath to some Officers, but no other Party.

But they have discontinued doing so?
Yes, they have; they now take a Declaration.

The Witness is directed to furnish the Committee with Information as to the Number of Declarations taken in lieu of Oaths in the present Year.

The Witnesses are directed to withdraw.

M. B. Peacock, Esq.

MARK BEAUCHAMP PEACOCK Esquire is called in, and examined as follows:

Are you the Solicitor of the Post Office Department?
Yes.

Have there been any Declarations substituted in lieu of Oaths in the Post Office Department?
Yes; the Oath of Office has been abolished, and the Oath to the Public Accounts.

The Oath to the Public Accounts was taken at the Audit Office?
Yes; and some of our Agents in the Colonies used to make Oath to the Truth of their Accounts; that Oath has been also abolished.

Declarations have been substituted for Oaths in every Branch of the Post Office Department?
Yes, they have.

Do you think the Accounts are as satisfactory as they were when they were verified upon Oath?
I think so.

Has any Inconvenience been found to arise from the Change?
Not the least; the Oath was abolished in August last Year, and since that Period nothing has occurred, to my Knowledge, from its Abolition, to prejudice either the Department or the Public.

Can you furnish the Committee with a Return of the Number of Declarations that were taken during the last Year in lieu of Affidavits?
Yes, I have no Doubt of it.

The Witness is directed to furnish the Return to the Committee.

Can you state the Class of Oaths which have been abolished?
Every Officer who has been appointed since the Oath was abolished has made a Declaration in lieu of taking the Oath. How many Appointments have been made since that Period I am not at present prepared to state.

The Witness is directed to withdraw.

J. T. Briggs, Esq.

JOHN THOMAS BRIGGS Esquire is called in, and examined as follows:

Are you Accountant to the Navy?
Yes.

Have there been any Oaths abolished in your Department?
A great many.

When did you commence substituting Declarations for Oaths?
We commenced on the 1st of January 1836. The Act passed in September. I am not quite sure it may not have been commenced with the Half Pay Affidavits on the 1st October.

Are there any Oaths left now in your Department?
None.

Declarations have been substituted in every Instance?
In every Case.

Have you found any Inconvenience from the Declaration having been substituted for the Oath?
None whatever.

Do you think the Accounts have been as regular as before?
Quite so.

Do you place as much Reliance upon the Accounts now under the Declaration as you did formerly under the Oath? *J. T. Briggs, Esq.*
Quite as much.

In fact you consider the best Way of ascertaining whether an Account is correct is by examining it carefully and looking at the Vouchers?
We place more Confidence in that than any thing else.

Are there any Oaths of Office taken in your Department?
None.

Can you produce to the Committee a Return of the Number of Declarations where Affidavits would have been taken in your Department?
Yes; this is it.

The Witness delivers in the same, which is read, and is as follows:

A STATEMENT of the Number of Declarations in lieu of Affidavits received in the Office of the Accountant General of the Navy since the passing of the Act of 5 & 6 W. 4. c. 62. as nearly as the same can be ascertained without referring to and examining and counting each Affidavit.

Total Number of Declarations in lieu of Oaths - - -	21,916

N.B.—The Delivery of the Declarations of Half Pay Officers and Widows was transferred from the Admiralty to the Office of His Majesty's Paymaster General for and from the Quarter commencing 1st October 1836.

The Witness is directed to withdraw.

CHARLES CHAMIER RAPUR Esquire is called in, and examined as follows: *C. C. Rapur, Esq.*

You belong to the War Office?
Yes.

Have there been in your Department any Declarations substituted in lieu of Oaths?
Yes.

When did that Regulation commence?
Practically from the 1st of January 1836 in consequence of the Act of 1835.

Are you aware of any Inconvenience having been found from the Change?
None at all.

Can you state the Number of Declarations that have been made where Oaths would have been required prior to the passing of the Act?
In regard to those that are rendered to the War Office, there are I think only Five. One of them is to the Verification of Regimental Accounts, of which I have brought a Form; and there are Four others; Two of them relate to the Claim of a Widow to the Pension with respect to which she was formerly obliged to swear to certain Circumstances, and now this is done by Declaration. Further, the Secretary at War is authorized, in certain Cases, to direct the Issue of Arrears of Half Pay or Allowances under 50*l.* without the Production of Letters of Administration; and in those Cases the Claimants are obliged to make certain Declarations in lieu of the former Affidavits. There is also a Declaration to the Accounts of the War Office, which is made by the First Clerk; formerly he made an Affidavit. The same occurs in regard to the Head Messenger. This is a Declaration for a Pay List; this Declaration is the Result of an official Regulation, and is not required by Act of Parliament.

But it is a Regulation made in consequence of the Recommendation of a former Committee on this Subject?
The Declaration is in lieu of the former Affidavit, and is the Consequence of the Act of 1835.

C. C. Rapur, Esq.

Do you believe that the Accounts of the Paymasters are now as regular as they were when the Paymasters were required to swear to them?

Perfectly so. I am not myself concerned with the Accounts of the regular Army, but I am informed by the Chief Examiner that no Case has occurred in which he has had any Reason to believe that the Substitution of a Declaration for an Affidavit had rendered the Accountants less careful as to the Particulars.

Will you furnish the Committee with a Return of the Number of Declarations which have been made in the last Year in your Department?

I am afraid it is out of my Power.

How many Declarations should you say, at a rough Guess, have been made?

In the first place there are Four of those (Four Pay Lists) every Year from every Regiment not in India, and Four more from Regiments having Depôts; These would amount to about 600; then there are these Persons claiming Arrears, and Widows claiming Pensions. The Number must depend on Circumstances.

On a rough Guess, how many should you say?

There might be perhaps more than 1,500.

Are there any Oaths required now to be taken in the War Office?

None, except those which are under the Mutiny Act; as, for instance, Summary Convictions. Affidavits were in many Cases required by annual Acts; for instance, the Appropriation Act required the Affidavits of Widows and of Half Pay Officers; and since 1835 those have been converted into Declarations.

Are there a great many Accounts sent to the War Office?

Yes.

And you have found no Inconvenience to result from the Substitution of Declarations in lieu of the Oaths that were formerly required?

The Accounts of the regular Army are under the Chief Examiner, and in consequence of the Summons I received to attend here I applied to him Yesterday, and he said that no Inconvenience had occurred; none has occurred in respect of the Militia Accounts (of comparatively small Amount), which are under my Superintendence.

The Witness is directed to withdraw.

W. K. Dehany, Esq.

WILLIAM KNIGHT DEHANY Esquire is called in, and examined as follows:

You are the Solicitor of the Excise Department?

Yes.

Have there been any Oaths abolished, and Declarations substituted in lieu, in the Excise Department?

In every Instance connected with the Revenue, with the Exception of a short List which I produce, and those are in the Nature more of Judicial Oaths than of Oaths connected at all with the Security of the Revenue.

The Witness delivers in a Paper, which is read, and is as follows:

Oaths in the Excise Department.

The Treasury Orders issued under the Powers of the Act 5 & 6 W. 4. c. 62. s. 2. have abolished all the Oaths in the Excise Department, and substituted Declarations, except in the following Cases, in which the Oaths retained will be seen to be more in the Nature of Judicial Oaths than as having any view to the Security of the Revenue.

1st. Oath of Trader's Insolvency, and Duty being in danger, to be made previously to the Collector in Scotland or Ireland issuing his Warrant of Distress, 7 & 8 G. 4. c. 53. s. 27.

2d. Oath of Suspicion of Goods being fraudulently deposited or concealed, to be made by an Officer for obtaining a Search Warrant. Same Act, s. 34.

3d. Oaths

W. K. Dehany, Esq.

3d. Oaths to Witnesses on the hearing of Excise Informations by Commissioners of Excise or Justices, to recover Penalties or condemn Seizures. Same Act, s. 65.

4th. Oaths to Witnesses on the hearing of Complaints exhibited to Commissioners of Excise or Justices of Peace, to obtain Abatements of Overcharges or Returns of Over-payments, 4 & 5 G. 4. c. 51. s. 27.

5th. Oaths or Affidavits which may be required by the Commissioners of Excise to verify any Facts showing that no Fraud has been committed, in order to the Restoration of any Seizure or Forbearance of Prosecution. 1 & 2 W. 4. c. 4. s. 5.

Explain the Fourth Item?

In the Case of a Trader being overcharged in the Amount of Duty by an Officer, or having made a Payment beyond what the Law would require, or beyond what his Accounts would require him to pay, he is entitled to get it back by exhibiting a Complaint before the Commissioners of Excise within the Limits of the Chief Office, or before Justices of the Peace if at a greater Distance; and the Case then proceeds in a regular Hearing, as any other judicial Proceeding would; the Magistrates being satisfied by the Examination of Witnesses as in any other Proceeding before a Magistrate, and they grant their Warrant upon it.

Is there any Reason to believe that in the particular Case you have stated a Declaration subject to a Penalty would not be equally binding and effectual with an Oath?

I should say not, because it is an Examination of Witnesses, and proceeds precisely in the same Manner as any other judicial Investigation.

And they are liable to be confronted with other Witnesses?

Yes.

Might not a Person wishing to recover a Penalty do it as well by a Declaration as an Oath, if a false Declaration was subject to the Penalty of Perjury?

It is not on the Party's Oath alone; it is on an Examination of Witnesses to ascertain the Accuracy of a Matter of Fact, the same as every Investigation in a Court of Justice.

Have you found any Inconvenience resulting to the Revenue or to the Public in consequence of the Substitution of Declarations in lieu of Oaths?

None.

Can you furnish the Committee with the total Number of Declarations that have been taken within the last Year, where Oaths formerly would have been required, in your Department?

Yes, we could perhaps get it at the Department.

You have found no practical Inconvenience from the Change?

None, either from my own Observation or from the Inquiries I have instituted among the practical Officers in the different Departments, previously to this, for my own Satisfaction, and since I received Instructions to attend here.

The Witness is directed to withdraw.

H. Burslem, Esq.

HENRY BURSLEM Esquire is called in, and examined as follows:

Do you belong to the Department of the Paymaster General of the Army?

Yes.

Have there been in your Department any Declarations substituted in lieu of Oaths?

The whole are now Declarations.

Have you found any practical Inconvenience to arise from the Substitution?

Not the least in the World.

H. Burslem, Esq.

Do you think that more Frauds have been committed under the new System than under the old?
I am not aware of any.

Can you state the Number of Declarations that have been taken within the last Year?
There are 33,000 Claimants now, all of whom make Declarations, if they please, Four Times a Year; that is to say, they receive their Allowances Four Times in a Year. They do not all as a Matter of Course receive their Allowances quarterly, but the Declarations are very numerous. I should think that probably 50,000 or 60,000 are taken in the course of the Year.

Where Oaths would formerly have been required?
Yes.

Does that include Officers?
It does; the Majority of them are Officers.

Is there any Oath retained in your Department?
Not any.

Not even the Oath of Office?
His Majesty's Paymaster General does take the Oath of Office, which is the Oath of Allegiance and Supremacy.

The Witness is directed to withdraw.

J. Fasson, Esq.

JOHN FASSON Esquire is called in, and examined as follows:

To what Department do you belong?
To Chelsea Hospital.

Have Declarations been substituted in lieu of Oaths in your Department?
Yes.

When did the Change commence?
On the First of July last Year.

Are there any Oaths left now in your Department?
Not any.

Have you found any Inconvenience to arise from Declarations having been substituted in lieu of Oaths?
Not any at all, hitherto. The Trial has been but short; not a Twelvemonth; but as far as the Pensioners are concerned I do not think the slightest Inconvenience can result from it.

You have found no practical Inconvenience?
None at all. We have had a Declaration where a Magistrate's Signature has been forged; but that might have occurred with an Affidavit.

Are the actual Payments made quarterly or half-yearly?
Quarterly.

You have then only had the Experience of Three Quarters of a Year?
Only Three Quarters of a Year.

Can you make a rough Estimate of the Number of Declarations which have been received during the Three Quarters?
Yes. I should say about 220,000 Declarations.

Are they made every Quarter?
Every Quarter.

Is that the Number of Oaths that have been abolished every Quarter?
No; only a Third Part of that. I was speaking of the Three Quarters.

The Witness is directed to withdraw.

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CHARLES BOYD Esquire is called in, and examined as follows: *Charles Boyd, Esq.*

Do you belong to the Customs?
Collector of His Majesty's Customs.

Has there been a Substitution of Declarations in lieu of Oaths in your Department?
Yes.

Have the Number of Oaths been greatly diminished in your Department since the Change?
There is only One Occasion on which Oaths are taken now. The Commercial Business of the Country is now carried on without any Oaths at all. There is One Department, which is a Kind of Court of Inquiry into the Conduct of Officers, and any Complaints made against them are tried before that Tribunal, called the Surveyors General.

You mean on your own Officers?
Yes; and on those Occasions Witnesses are examined on Oath, in the same Manner as in Courts of Justice. That is the only Oath that is now taken.

Were there any Oaths abolished in your Department in the Year 1836?
There had only been Three left, independent of what I have mentioned on those Trials. The Oath of Office was one. There were also Two Accounts sent by the Collectors from the Outports which used to be verified on Oath; one was called the Salary and Incident Account, and the other was Postages. Those have been discontinued, as also the Oath on Admission; so that nothing remains but the Oaths taken on the Trials I have mentioned.

Have you found any practical Inconvenience to arise from the Substitution of a Declaration in lieu of an Oath?
Not the least.

You think the Accounts are just as regular as they were before?
Perfectly so. I ought to observe, that most of the Oaths we took formerly, and the Declarations which we now take in lieu of them, relate to Matters in which Merchants and Traders have to submit Proof of the Veracity of their Statements in order to satisfy the Commissioners, where there has been a Suspicion of smuggling or any Irregularity of that Kind, and we think ourselves quite as safe now with a Declaration as we were formerly with an Oath.

Do you think the Public at large are better satisfied with making a Declaration than they were when an Oath was required?
I think they are.

Do Merchants prefer making a Declaration?
Yes; the taking of Oaths formerly was carried to such an Extent, and there was so little Time to administer them with that Degree of Solemnity which ought to be observed when an Oath is taken, that a Custom House Oath became quite proverbial.

You think that now when an Oath is administered it is more impressive than it was formerly?
I think so; besides which we have a Penalty of 100*l.* for a false Declaration, which seems to be considered much better than the former System.

Can you state the Number of Declarations which were made in the last Year in your Department?
No, I cannot; but we are continually taking them. There must have been many Thousands in the Custom Houses generally. Almost all the Declarations in London are made in my Office.

And there are many Thousands in a Year?
Yes; they are almost all administered (viz., in the London Custom House,) through my Assistants and myself, except the Oath of Office.

Might not the Disrespect of Oaths taken in the Custom House have arisen from the Multiplication of them?
Yes.

Charles Boyd, Esq.

Do you administer the same Number of Declarations now as you did Oaths formerly?

I believe so.

Is there no Danger of Declarations coming into Disrepute in the same Way as you state Oaths to have done?

When I said Disrepute probably I used a wrong Expression; what I meant to say was, that the Idea of the Solemnity of taking an Oath had fallen off very much; that the moral Obligation in fact was not thought so much of as it might have been in former Times.

Was there no such Penalty attached to the Breach of an Oath formerly as there is now to the Breach of a Declaration?

Not a pecuniary Penalty; the Penalty, if any, would be that to which a Party is subjected who is convicted of Perjury; but I beg to add, that the great Proportion of Oaths to which in my Evidence I have referred were what are called voluntary Affidavits; and nothing could have been done, I presume, in the Shape of punishing the Parties who made them falsely.

You have now got rid of voluntary Affidavits altogether?

Certainly. They are voluntary Declarations now, and the Parties are subject to 100*l.* Penalty if they make a false Declaration. There were certain Oaths which, if falsely taken, subjected the Parties to the Pains and Penalties of Perjury; those however were very few; the great Bulk of what were taken were merely voluntary Affidavits.

There are no Oaths now taken by Collectors in the different Districts in the Country?

None.

They do not swear to their Accounts?

No; not in any Part of the Kingdom.

Voluntary Declarations are made still?

Yes. Where a Party makes an Application to the Board of Customs or to the Treasury for Relief in any Case where his Vessel or his Goods have been detained on Suspicion, he immediately strengthens his Application by a Declaration that his Statement is true, and that no Fraud is intended; we have those Declarations made continually, and they are voluntary.

The Witness is directed to withdraw.

Ordered, That this Committee be adjourned to Tuesday next, One o'Clock.

Die Martis, 16° *Maii* 1837.

The Duke of RICHMOND in the Chair.

Evidence on the Substitution of a Declaration in lieu of Oaths.

ORDER of Adjournment read.

The following Letters are delivered in by the Lord in the Chair, and read as follows:

My Lord, General Post Office, 15th May 1837.

I have the Honour to inform your Grace that the Number of official Declarations made in lieu of the Oath of Office, by Clerks, Letter Carriers, Mail Guards, &c. appointed in the London Post Office, and by Deputy Postmasters appointed in England, since the Month of August 1836, when the Substitution took place, is 172.

This does not include the Declarations made by Clerks, Letter Carriers, Post Riders, and Messengers in other Parts of England, or in Scotland or Ireland. We have no Means of stating the Number of these without calling on the Secretaries in Edinburgh and Dublin, and the Postmasters of the United Kingdom, to make Returns; and this shall be instantly done if your Grace be pleased to intimate a Desire to that Effect.

The District Surveyors in England, and the principal Officers in London, have been requested to state whether, to their Knowledge, the Substitution of the Declaration has been attended with any injurious Effects to the Department or the Public; and Copies of their Answers I beg leave to inclose.

I have the Honour to be, my Lord,
Your Grace's very obedient and obliged Servant,
M. B. PEACOCK, Solicitor.

His Grace the Duke of Richmond, K.G.,
&c. &c. &c.

Sir, Foreign Office, G. P. O. 10th May 1837.

In answer to your Letter of Yesterday, desiring me to inform you if the Substitution of the Affirmation for the Oath of Office has to my Knowledge been attended with injurious Effects, I have to state that I am not aware that the Change has in any respect been found detrimental to the Department or to the Public.

I have the Honour to be, Sir,
Your obedient humble Servant,
C. D. WAGSTAFF.

Lieutenant Colonel Maberly,
&c. &c. &c.

Sir, Inland Office, 11th May 1837.

In reply to your Letter of the 9th Instant, I beg to acquaint you, from my own Knowledge and Inquiries I have made, that the Substitution of the Affirmation for the Oath of Office most certainly has not been attended by any injurious Effect, either to this Department (or connected with it) to any Portion of the Public.

I am, Sir,
Your very faithful Servant,
W. BOKENHAM,
For the Superintending President.

Lieutenant Colonel Maberly,
&c. &c. &c.

Sir, Twopenny Post Office, 10th May 1837.

In reply to your Letter, requiring me to state whether I am aware that the Substitution of the Affirmation for the Oath of Office has been attended in any Instance with injurious Effects to the Department or the Public, I beg to say, that as far as its Operation has come within my Knowledge I am not aware that any injurious Effects have in any Instance resulted from the Change.

I am, Sir,
Your most obedient faithful Servant,
R. SMITH.

Lieutenant Colonel Maberly,
&c. &c. &c.

Sir, Letter Carriers Office, 10th May 1837.

With reference to your Letter dated Yesterday, requiring to be informed whether I am aware of the Substitution for the Oath of Office having been attended in any Instance with injurious Effects, I have most respectfully to state, that I am not aware of any Instance in which the Substitution has been attended with Effects injurious to the Department or to the Public.

I have the Honour to be, Sir,
Your very faithful Servant,
FREDERICK KELLY.

Lieutenant Colonel Maberly,
&c. &c. &c.

Sir, Exeter, 10th May 1837.

I beg leave to state, in reply to your Letter of Yesterday's Date, that I am not aware of any Instance in which the Substitution of the Affirmation for the Oath of Office has been attended with any injurious Effects either to the Department or to the Public.

I am, Sir,
Your most obedient humble Servant,
GEO. STOW.

Lieutenant Colonel Maberly,
&c. &c. &c.

Sir, London, 10th May 1837.

In reply to your Letter of Yesterday's Date, inquiring whether the Substitution of the official Declaration for the Form of Oath previously used has been attended with injurious Effects, I beg to inform you that I have met with no Instance in my District to induce me to think that this Alteration will produce any evil Result.

I am, Sir,
Your most obedient humble Servant,
J. W. SEBRIGHT.

Lieutenant Colonel Maberly,
&c. &c. &c.

Sir, Gloucester, 10th May 1837.

I beg leave to acknowledge the Receipt of your Letter of the 9th Instant, desiring I will state if I am aware whether the Substitution of the Affirmation for the Oath of Office has been attended in any Instance with injurious Effect to the Department or the Public.

As far as my Experience goes, I have no Hesitation in stating that no injurious Effect has resulted from the Change; the Affirmation, from the Communication I have had with the different Parties in this District, appears on their Minds as binding as the Oath formerly administered.

I am, Sir,
Your most obedient and very faithful Servant,
CHAS. RIDEOUT.

Lieutenant Colonel Maberly,
&c. &c. &c.

Sir, Bury, 10th May 1837.

In reply to your Letter of Yesterday I beg to inform you that I am not aware of any Instance whatever in which the Substitution of the Affirmation for the Oath of Office has been attended with injurious Effects, either to the Department or the Public.

I am, Sir,
Your obedient faithful Servant,
GEO. NEAL.

Lieutenant Colonel Maberly,
&c. &c. &c.

Sir, Sheffield, 10th May 1837.

In reply to your Letter of Yesterday's Date, I beg to state that I am not aware that the Substitution of the Affirmation for the Oath of Office has been attended in any Instance with injurious Effects to the Department or to the Public.

I am, Sir,
Your most obedient humble Servant,
G. F. KARSTADT.

Lieutenant Colonel Maberly,
&c. &c. &c.

Sir, Solihull, 10th May 1837.

In reply to your Letter, received this Morning, I beg to state that I am not at all aware of any injurious Effects either to the Department or the Public by the Substitution of the Declaration for the official Form of Oath; and, as regards my own District, I am quite certain that it has had no such Tendency whatever.

I am, Sir,
Your most obedient and faithful Servant,
B. CHURCHILL.

Lieutenant Colonel Maberly,
&c. &c. &c.

Sir, York, 11th May 1837.

In reply to your Inquiry of the 9th Instant (which has just now reached my Hands) I beg to say that I cannot state that I am aware of the Substitution of the Declaration for the Oath of Office having been attended in any Instance with *positively injurious* Effects to the Department or the Public, but I have certainly found Instances in which Persons of the Rank of Post Riders and Letter Carriers have not hesitated to excuse a Neglect of Duty by pleading "that they had *not taken the Oath.*"

I have Reason to believe, from long Experience, that the Oath was held by Persons of the above Station in Life much more binding and impressive than the simple Declaration.

I am, Sir,
Your very faithful and obedient Servant,
J. H. FLETCHER.

Lieutenant Colonel Maberly,
&c. &c. &c.

Sir FREDERICK ROE is called in, and examined as follows: *Sir Frederick Roe.*

The Committee wish to know whether from your practical Experience you have found any Inconvenience to arise from Declarations having been substituted in lieu of Oaths with respect to Pawnbrokers Certificates?

No Difficulty has in fact arisen, because I, and I believe all the other Magistrates, have not rigidly enforced the Law as it ought to be. A great many Pawnbrokers have not adopted the proper Way of setting forth the Declaration, and consequently, if the Magistrates had acted strictly upon the Letter of the Law, those Declarations could not have been received. I have brought Two to show the Committee. (*The same are delivered in.*) That is the Form (marked No. 1.) in which it ought to be.

The same are read, and are as follow:

No. 1.

Copy of Note or Memorandum.

WESTMINSTER, (to wit.)—Declaration.

I of
do solemnly and sincerely declare, That on the Day of 183 pledged at the Shop of the Article mentioned in the Margin, and received a Note or Memorandum of the same, which I have since lost or mislaid; that I have not sold or transferred the same to any Person or Persons whomsoever, and that the Article so pledged my Property:—And I make this solemn Declaration, conscientiously believing the same to be true, and by virtue of the Provisions of an Act made and passed in the Fifth and Sixth Years of the Reign of King William the Fourth, intituled—

An Act to repeal an Act of the present Session of Parliament, intituled, "An Act for the more effectual Abolition of Oaths and Affirmations taken and made in various Departments of the State; and to substitute Declarations in lieu thereof; and for the more entire Suppression of voluntary and extra-judicial Oaths and Affidavits," and to make other Provisions for the Abolition of unnecessary Oaths."

Taken and made before me, One of His Majesty's Justices of the Peace for the City and Liberty of Westminster, this Day of 183

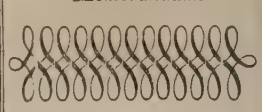
Sir Frederick Roe.

No. 2.

(This is not a correct Form, but has been used.)

WESTMINSTER, to wit.

Copy of a Note or Memorandum.



These are to certify, That
came before me, One of His Majesty's Justices of the Peace for the said City, and made Declaration that he pledged at the Shop of
the Article mentioned in the Margin; being h Property, and received a Note or Memorandum, which he has since lost, mislaid, or destroyed, and that he has not sold or transferred over the same to any Person or Persons whatever.

Declared to be true, before me, this Day of 183 }

(*Sir F. Roe.*) The Attorney and Solicitor General's Opinion was taken upon the Subject, and they gave their Opinion that the whole Form of the Title of the Oath should be set out as in No. 1., and a great many Pawnbrokers have adopted it; others have not, and therefore if we had acted strictly those Declarations could not have been received, and the whole of the Persons that took them would have been sent back and put to some Inconvenience.

You have administered the Declaration, and not the Oath, but in the Declaration you have not insisted upon the whole Title of the Act being inserted?
Exactly.

Therefore in fact a Declaration was taken, but not one which technically was as formal as it ought to have been?
That is the simple Case.

Are you of opinion that it would be advisable in the Declaration that the Title of the Act should not be insisted on?
That there should be a shorter Form.

You believe that if there was a shorter Form it would be more convenient?
More impressive and more convenient; and the same Thing applies to many other Declarations on the Part of Individuals; Widows coming for Pensions, and Persons who are not able to obtain the Form strictly required by the Act, and who therefore are put to some Inconvenience by the Magistrates occasionally declining to administer it unless they produce a formal one.

With respect to Pawnbrokers Certificates, do you think that the taking a Declaration instead of an Oath has tended to produce any Mischief?
None whatever.

Have you found any Inconvenience from the late Act?
No; on the contrary, I should say it has been attended with very great Convenience to the Public. Persons frequently come to make a Declaration in Matters in which before I could not have allowed them to do so. I now always represent to them that it may be an useless Ceremony, but that if they are desirous to do it I feel myself under the Act authorized to receive it, and many Parties seem to feel it a satisfactory Circumstance that they are able to do it.

Are there any other Instances in which Oaths are now taken in which you think that with Benefit to the Public Declarations might be substituted?
In the Proceedings before Magistrates it seems to me that in every Instance where it is necessary a Declaration has been substituted for an Oath. All the judicial Part remains on Oath.

Are you not aware that the Clerk of the Peace of every County takes the following Oath upon his first Appointment:—"I A.B. do swear, That I have not nor will pay any Sum or Sums of Money or other Reward whatsoever, nor give any Bond or other Insurance to pay any Money, Fee, or Profit, directly or indirectly, to any Person or Persons whomsoever, for such Nomination and Appointment. So help me God."?
I am.

Do not you think that a Declaration would suffice instead of an Oath in this Case?
I should say perfectly.

Sir Frederick Roe.

May not Treasurers of Counties be required to swear to the Accuracy of their Accounts under 12 G. 2. c. 29. ?
Yes.

With respect to the Rewards for the Firemen; do you think that a Declaration might be substituted for the Oath now required ?
Quite as well.

Are not these Claims of frequent Occurrence in the Police Offices in London ?
Yes; after every Fire they come for the Reward; and after the Fire is proved they make an Affidavit.

Do you consider that the middling Class and the lower Class of People conceive themselves as much bound in Conscience by a Declaration, properly explained to them, as they would be by an Oath ?
I think so; it involves as much, I think, as the other does.

With respect to the Firemen; do you think that in any Case where they would scruple to swear to a Statement they might not hesitate to make a Declaration ?
No, I think not; I think they would feel it equally binding upon them.

Then is it to be inferred that in the most serious Case you would be as willing to take Evidence upon a Declaration as upon an Oath ?
I am not prepared to say that. I should not place as much Confidence upon the Truth answered upon a Declaration, even in the most serious Case.

Are not Clerks of the Assize and Clerks of the Peace bound to take the following Oath upon Delivery of their Estreats, by the Statute 4 & 5 W. 3. c. 24. before One of the Barons of the Exchequer:—" You shall swear that these Estreats now by you delivered are truly and carefully made up and examined; and that all Fines, Issues, Amerciaments, Recognizances, and Forfeitures, which were set, lost, imposed, or forfeited, and in right and due Course of Law ought to be estreated in the Court of Exchequer, are, to the best of your Knowledge and Understanding, therein contained; and that in the same Estreats are also contained and expressed all such Fines as have been paid into the Court from which the said Estreats are made, without any wilful or fraudulent Discharge, Omission, Misnomer, or Defect whatsoever. So help you God." ?
Yes.

In your Opinion would it be perfectly safe to dispense with that Oath, and to substitute a Declaration instead ?
Perfectly.

The Witness is directed to withdraw.

T. Bidwell, Esq.

THOMAS BIDWELL Esquire is called in, and examined as follows:

You are in the Secretary of State's Department for Foreign Affairs ?
I am.

Are you aware whether any Declarations have been substituted for Oaths in that Department ?
Yes, there have.

Will you state what they are ?
There were Three Classes of Oaths; one for passing the Accounts of the Office; secondly, the Messenger's Oaths; thirdly, the Secret Service Oaths.

Has a Declaration been substituted in lieu in those Three Classes ?
Yes.

Has any Inconvenience been found to arise from the Substitution ?
None whatever. In fact there are but One or Two Oaths taken in the Course of the Year; and now the Foreign Ambassadors, when they come home, take a Declaration.

T. Bidwell, Esq.

In future then there will be no Oaths taken in the Secretary of State's Office in the Foreign Department?
No.

With the Exception of the Oath which he may take as a Privy Councillor?
That is all.

Have you Copies of the Oaths that were taken before the Change?
Here they are.

The same were delivered in, and read, and are as follow:

OATHS required to be taken before the BARONS of the EXCHEQUER under the Act 22 G. 3. c. 82., with respect to Disbursements for Foreign Secret Service.

By a Foreign Minister.

I A. B. do swear, That I have disbursed the Money intrusted to me for Foreign Secret Service faithfully, according to the Intent and Purpose for which it was given, according to my best Judgment, for His Majesty's Service.

So help me GOD.

By Secretaries of State.

I A. B. do swear, That the Money paid to me for Foreign Secret Service has been bonâ fide applied to the said Purpose, and to no other; and that it hath not appeared to me convenient to the State that the same should be paid abroad.

So help me GOD.

OATH required to be taken before the Barons of the Exchequer on passing the Accounts of Expenditure for the Establishment, and of contingent Expences, of the Office of His Majesty's Principal Secretary of State for Foreign Affairs.

A. B. this Accountant maketh Oath and saith, That this Account is just and true, to the best of this Deponent's Knowledge and Belief.

(Signed) A. B.

Sworn by the Accountant A. B. in Court at Westminster Hall this Day of .

Before me, (Signed) C. D.

COPY of the Oath of on being appointed Messenger in Ordinary to His Majesty.

You shall swear on the Holy Evangelists, by the Contents of this Book, and by the Faith you bear unto Almighty God, to be a true Servant unto our Sovereign Lord by the Grace of God, of the United Kingdom of Great Britain and Ireland King, Defender of the Faith, and so forth. You shall not know any thing that shall in anyways be hurtful or prejudicial to the King's Majesty's Royal Person, State, Crown, or Dignity; but you shall, forasmuch as whatever may lie in your Power, hinder it, or else, with all possible Speed, reveal the same to the King's Majesty, or to some of His Most Honourable Privy Council. You shall serve the King most truly and faithfully in the Place whereunto you are called as Messenger in Ordinary to His Majesty. You shall be obedient to the Lords of His Majesty's Most Honourable Privy Council, His Majesty's Principal Secretaries of State, and their Secretaries.

So help you GOD.
(Signature of the Messenger.)

Sworn before me at
this Day of } (Signature of the Secretary of State.)

In the Presence of { A. B. / C. D.

Have you a Copy of the Declaration with respect to Secret Service Money?
Yes.

The same is delivered in, and read, and is as follows:

DECLARATION

T. Bidwell, Esq.

DECLARATION required to be made by Foreign Ministers with regard to Monies paid by them on account of Secret Service.

I A. B. do solemnly and sincerely declare, That I have disbursed the Money intrusted to me for Foreign Secret Service faithfully according to the Intent and Purpose for which it was given, according to my best Judgment, for His Majesty's Service; and I make this solemn Declaration conscientiously believing the same to be true.

(Signed) A. B.

Declared before me, this Day of

(Signed) C. D.

COPY of the Declaration taken by Messengers on their Appointments.

You do solemnly and sincerely declare, That you will be a true Servant unto our Sovereign Lord by the Grace of God, of the United Kingdom of Great Britain and Ireland King, Defender of the Faith, and so forth; that you will not know any thing that shall in anyways be hurtful or prejudicial to the King's Majesty's Royal Person, State, Crown, or Dignity; but will, forasmuch as may lie in your Power, hinder it, or else, with all possible Speed, reveal the same to the King's Majesty, or to some of His Most Honourable Privy Council; that you will serve the King most truly and faithfully in the Place to which you are called as Messenger in Ordinary to His Majesty; and that you will be obedient to the Lords of His Majesty's Most Honourable Privy Council, His Majesty's Principal Secretaries of State, and their Secretaries.

(Signature of the Messenger.)

Made and signed before me at this Day of } (Signature of the Secretary of State.)

In the Presence of { A. B. C. D.

Mr. P. C. Le Geyt.

Mr. PHILIP CARTARET LE GEYT is called in, and examined as follows:

You belong to the Greenwich Hospital?
I do.

Have there been any Declarations substituted for Oaths in the Department of Greenwich Hospital?
There have.

Will you state what they are?
The Declaration taken by the Commissioners of Greenwich Hospital, in verification of their annual Accounts, before the Commissioners for auditing the public Accounts; the Declaration of the Dispenser and his Assistants, in verification of their quarterly Accounts, and that no Medicines or Medical Stores have been issued but in accordance with the established Regulations made before a Justice of the Peace; the Declaration of the Clerk of the Market, in verification of his monthly Accounts of Receipts and Disbursements, made before a Justice of the Peace; the Declaration of the Persons appointed to receive Money for showing the Painted Hall and other Parts of the Hospital (made monthly) of the Amount received, made before the Clerk of the Cheque of the Hospital; incidental Declarations, in verification of or in the Inability to procure specified Documents for the Admission of Children into the Schools of the Hospital, made before a Justice of the Peace.

When did the Regulation substituting Declarations in lieu of Oaths take place in your Department?
Upon the passing of the Act, with the Exception of the First, which has been only very recently substituted; and with the Exception of the Fourth, in which a Declaration had been substituted by Order of the Commissioners of the Hospital some Time previous.

Have you found any practical Inconvenience from the Substitution?
Not any, that I am aware of.

Mr. P. C. Le Geyt.

Have you got rid of a great Number of Oaths in consequence of substituting a Declaration?
A great Number of incidental Oaths.

Can you form any Guess to what Number in the Year you have got rid of?
I should say in the course of the Year some Hundreds. There are a great Number of Applications for Admissions to the Schools; there are rarely less than 1,000 Applications; and in many Instances Affidavits were required to verify Documents or for other Purposes.

The Witness is directed to withdraw.

T. H. Plasket, Esq.

THOMAS HENRY PLASKET Esquire is called in, and examined as follows:

You are in the Office of His Majesty's Secretary of State for the Home Department.
I am.

Have there been any Declarations substituted in your Department in lieu of Oaths?
There have been.

Will you state in what Instances?
The Secretary of State, when he is not a Peer, and the Under Secretary of State, in passing their Secret Service Accounts, now make a Declaration instead of an Oath.

When the Secretary of State was a Peer he made a Declaration on his Honour?
Yes, he did. The Chief Clerk also used to pass his Accounts upon Oath; now he passes them by a Declaration in lieu of an Oath. The Clerks of the Signet, when they were appointed, took an Oath of Office, and also the Oath of Allegiance; a Declaration is now substituted for the Oath of Office, and he still takes the Oath of Allegiance. The Messengers make a Declaration instead of an Oath.

Are there any Oaths remaining in the Office except the Oath of Allegiance?
Only the Oath of Allegiance by the Clerk to the Signet. The Secretary of State takes an Oath upon his Appointment before the Privy Council.

Have you found any Inconvenience to arise from the Substitution of a Declaration in lieu of an Oath in those Cases?
Not the least. There have been only Three Declarations since the Treasury Regulation.

The Witness is directed to withdraw.

G. L. Wilder, Esq.

G. L. WILDER Esquire is called in, and examined as follows:

You belong to the Department of His Majesty's Secretary of State for Colonial Affairs?
I do.

Have there been any Declarations substituted in your Department in lieu of Oaths?
Yes.

When did the Regulation commence?
In the Beginning of the last Year, immediately subsequently to the passing of the Act.

Will you state the Cases in which Declarations have been substituted in lieu of Oaths?
The Secretary and Senior Under Secretary of State for the Colonial Department now take a Declaration for the Secret Service Accounts.

Are

G. L. Wilder, Esq.

Are there any other Instances in which Declarations are taken in your Department in lieu of Oaths?
Myself, the Senior Clerk to my Accounts, and the King's Messengers.

Do the Messengers in your Department, or any of the Clerks of the Department, take any Oath now?
None whatever.

Then there is no Oath now remaining in your Department?
None but those administered to the Secretary of State before the King in Council.

Did you take the Oath of Allegiance when appointed?
No.

The Witness is directed to withdraw.

Mr. J. C. Peck.

Mr. JOHN C. PECK is called in, and examined as follows:

You belong to the National Debt Office?
I do.

Have any Declarations been substituted in your Department in lieu of Oaths?
Several. In fact all the Oaths were abolished and Declarations substituted in December 1835, under the Act of that Year.

Will you state what the Oaths were which were abolished?
The First relates to the Verification of the Certificate of the Birth or Baptism of the Nominee who is proposed as the Person upon whose Life the Annuity is to depend. That is required to verify the Signature of the Minister of the Parish where the Nominee is born, and to be made by One or Two disinterested Persons. The next is to be made by the Purchaser of the proposed Annuity, or by some Person on his Behalf, who is generally an Agent in the City, a Merchant or a Stockbroker, who negotiates the Transaction; he makes it in the Office or before a Magistrate, and in that he swears that the Contents of the preceding Document are correct. Those Papers relate to the Purchase only. When the Dividends are due we require a Declaration to be made by the Agent who applies to receive them from Time to Time, and he acts under a Power of Attorney.

Have you found any Inconvenience to arise from the dispensing with the Oath and substituting a Declaration in lieu?
None whatever; I should say rather a Convenience.

Can you state the Number of Declarations that have been taken within the last Year where Oaths would formerly have been required?
Upon an Average, I should say 500 to 600 or 700.

The Witness is directed to withdraw.

Mr. B. Soady.

Mr. B. SOADY is called in, and examined as follows:

You belong to the Audit Office?
I do.

Have any Declarations been substituted in lieu of Oaths in your Department?
Yes; according to a Notice in the Gazette.

Formerly the Audit Office called upon all Parties to make Affidavits to the Truth of their Accounts?
Yes.

But by the new Regulation founded on the Act of 1835 they now make Declarations?
Yes.

Mr. B. Soady.

Have you found any practical Inconvenience to arise in your Department in consequence of Declarations being substituted in lieu of Oaths?
I believe none whatever.

Can you state the Number of Declarations that have been taken in the last Year where Oaths would have been formerly required?
Probably 400 or 500; we have as many Accounts.

Are any Oaths retained in your Department?
Yes; the Commissioners examine Parties on Oath. If the Parties are examined before the Board on any Matter of Account, if there is any Suspicion of Fraud or otherwise, they examine them upon Oath; and an Oath is administered, and they are required to swear that they will make true Answers to such Questions as the Commissioners shall put to them by virtue of their Commission.

That is under the Authority of an Act of Parliament?
Under the Authority of 46 G. 3d. c. 141. The Propriety of retaining such Authority was communicated to the Treasury previously to their Lordships Warrant being issued for substituting Declarations in lieu of Oaths.

The Board are then sitting as a judicial Body?
Yes; that was the Point considered; they could not altogether do away with that under the Act of 5 & 6 W. 4. c. 62. And probably I ought further to mention, that a Question was raised by the Board as to whether they could dispense with the Oaths usually made by the Foreign Ministers with regard to the Secret Service Money. That was provided for by a special Act of 22 G. 3. c. 82. s. 27., the Civil List Act (commonly called Mr. Burke's Act). Some Doubt had arisen in the Minds of the Commissioners whether they were able to accept a Declaration in that Case instead of an Oath; and they put the Question to the Treasury, and the Treasury took upon themselves to decide that it might be done.

The Witness is directed to withdraw.

S. M. Leake, Esq.

STEPHEN MARSHALL LEAKE Esquire is called in, and examined as follows:

You belong to the Treasury?
I do.

Have there been any Declarations substituted in your Department in lieu of Oaths?
Yes, since the First Notice in the Gazette Declarations have been substituted instead of Oaths.

When was that Notice in the Gazette?
On the 8th of December 1835; that was the First Notice in the Gazette which included the Oaths taken in the Treasury, with the Exception of the Oath of Office.

What is the Oath of Office?
The Oath taken by the Lords of the Treasury; that was the only Oath of Office in the Treasury, and it is not now retained, because by a subsequent Insertion in the Gazette on the 28th of June 1836 the Oath of Office was abolished and a Declaration substituted.

What Oaths remain in the Treasury Department?
There are no Oaths under any Acts passed before those Notices in the Gazette; but some Acts have been passed since which require Oaths to be taken before the Lords of the Treasury.

What Acts do you allude to?
The 6 W. 4. c. 14., to amend the Laws relating to Bankrupts in Ireland, requires an Oath to be taken before the Lords of the Treasury. There is another Act, the 6 & 7 W. 4. c. 87., for extinguishing the secular Jurisdiction of the Archbishop of York and the Bishop of Ely in certain Liberties,

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which requires a Statement to be made on Oath before a Judge or a Master in Chancery, and such a Verification has been taken. *S. M. Leake, Esq.*

The Necessity of taking those Two Oaths has been created since the passing of the Act for the Substitution of Declarations in lieu of Oaths in certain Cases?
Yes.

Is there any Oath now required for Payments from the Civil List?
None; Declarations are taken.

Has any Inconvenience been found in the Treasury from the Abolition of those Oaths and the Substitution of Declarations?
None; I believe Affidavits are sometimes transmitted through Ignorance of the Alteration of the Law, and they have been received; but the Parties have been informed that they should send Declarations in future.

Do you know how many Declarations have been taken since that Period?
No; but they are very numerous, because upon all those Quarterly Payments Declarations are made.

Can you make a rough Guess of the Number?
I should think there are several Hundred Payments of Pensions upon the Civil List, and there are Four Declarations made upon each of them every Year.

You have some Forms of Declarations in your Hand?
Yes.

Put them in?

The Witness delivers in the same, which are read, and are as follow:

No. 1.—*Pensions on the Civil List, or Consolidated Fund.*

Dated this Day of 183 .

These are to certify, That an Annuitant on the List of Pensions, was living on the Day of 183 .

N. B.—The above Certificate to be signed either by the Minister of the Parish or by a Magistrate.

No. 2.—*Pensions and Annuities, the Receipt of which depends on a Contingency expressed.*

I hereby declare, That I am entitled to One Quarter's Pension due on the Day of 18 , at the Rate of £ per Annum, and that I have not been appointed to any Office of Profit under the Crown during the Quarter aforesaid.

Dated at this Day of 183 .

I hereby attest and declare, That I believe the above Declaration to be genuine and authentic.

The Person holding Power of Attorney to sign his Name here.

No. 3.—*Salaries.*

I hereby declare, That I am entitled to One Quarter's as due on the Day of 183 , at the Rate of £ per Annum, and that I have not been in the Receipt of any other Salary or Allowance from His Majesty, or from any Department of the Public Service in the United Kingdom or in the Colonies, during the Period before mentioned.

Dated at this Day of 183 .

I do attest and declare, That I verily believe the above Declaration to be genuine and authentic.

S. M. Leake, Esq.

No. 4.—Judicial Salaries, &c.

I hereby declare, That I am entitled to One Quarter's Salary due on the Day of 18 , at the Rate of £ per Annum.

Dated at this Day of 183 .

I attest and declare, That I believe the above Declaration to be genuine and authentic.

The Attorney to sign his Name here. }

No. 5.—Officers of the late Welch Judicature.

Substituted for the Oath required by § 26. of 1 W. 4. c. 70.

I do solemnly and sincerely declare, That I have not, since the Period to which I have received the Annuity granted to me as Compensation for the Loss of my Office as abolished by the Act 1 W. 4. c. 70., been appointed to any other Public Office of Emolument, and that I make this solemn Declaration conscientiously believing the same to be true.

Taken before me this Day of 18 .

N. B.—The above Declaration to be made in the Presence of a Judge or a Master Extraordinary in Chancery.

No. 6.—West India Compensation.

No. of Claim Colony of

I of do solemnly and sincerely declare, That described as in the annexed Power of Attorney for the Claim No. under the Act 3 & 4 W. 4. c. 73. is a Person whom I have well known for Years; and that the Person named and described in the said annexed Power of Attorney as and also as are one and the same Person, and not divers; and I make this solemn Declaration conscientiously believing the same to be true, and by virtue of an Act made and passed in the Fifth and Sixth Year of the Reign of His present Majesty, intituled *An Act to repeal an Act of the present Session of Parliament, intituled "An Act for the more effectual Abolition of Oaths and Affirmations taken and made in various Departments of the State, and to substitute Declarations in lieu thereof, and for the more entire Suppression of voluntary and extra-judicial Oaths and Affidavits;" and to make other Provisions for the Abolition of unnecessary Oaths.*

Declared before me this Day of 18 . }

No. 7.—West India Compensation.

No. of Claim Colony of

I of do solemnly and sincerely declare, That the Person who signs and who is described as in the annexed Power of Attorney, for the Claim No. for the Colony of under the Act 3 & 4 W. 4. c. 73. is a Person whom I have well known for Years; and that the Person named and described in the said annexed Power of Attorney as and as in the Certificate of Award for the said Colony No. is one and the same Person, and not divers; and I make this solemn Declaration conscientiously believing the same to be true, and by virtue of an Act made and passed in the Fifth and Sixth Year of the Reign of His present Majesty, intituled *An Act to repeal an Act of the present Session of Parliament, intituled "An Act for the more effectual Abolition of Oaths and Affirmations taken and made in various Departments of the State, and to substitute Declarations in lieu thereof, and for the more entire Suppression of voluntary and extra-judicial Oaths and Affidavits;" and to make other Provisions for the Abolition of unnecessary Oaths.*

Declared before me at this Day of 18 . }

The Witness is directed to withdraw.

Ordered, That this Committee be adjourned to Monday next, One o'Clock.

Die Lunæ, 22° Maii 1837.

Evidence on the Substitution of a Declaration in lieu of Oaths.

The Duke of RICHMOND in the Chair.

The Lord Advocate.

The Right Honourable The LORD ADVOCATE of Scotland, M.P., attending, is called in, and examined as follows:

Is your Lordship aware of the Act of Parliament of the 5 & 6 W. 4. c. 62. abolishing certain Oaths and substituting Declarations in lieu in certain Cases?
Yes.

The Committee wish to call your Attention to the 18th Section, by which it is enacted, that any Person guilty of taking a false Declaration shall be deemed to be guilty of a Misdemeanor. The Committee understand that the Term "Misdemeanor" does not specify any Class of Offence in Scotland?
No; it is not a Term which has been used in the Law of Scotland, and it is difficult for a Court to apply a Term of English Law in adjudging any Punishment under that Statute; but no Case has hitherto occurred under that Statute.

Would you not think it desirable that in an amended Act a Clause should be inserted to remedy this Omission?
Certainly.

Could you suggest to the Committee any Clause which would answer the Purpose?
It appears to me that it might be expressed as in some former Statutes; that a Person wilfully taking a false Declaration should be punished in the same Manner as if he had made that Declaration upon Oath; so that if his making it on Oath would not have made him liable to Punishment he should not be liable to any further Punishment by making the Declaration than if he had made it on Oath; but that he should be equally punishable for a false Declaration as he would have been if he had taken a false Oath.

Does your Lordship think there would be any Difficulty in providing that precisely the same Punishment should in fact be inflicted in Scotland as would be inflicted in England in case of the Crime of Misdemeanor?
I do not think it would be very easy to express something perfectly commensurate with the Term "Misdemeanor" in England; but I speak with Diffidence on that Point, from not being fully acquainted with English Law.

Does your Lordship think it might be done by saying that in such Cases as the Punishment applicable to Misdemeanor would be inflicted in England it should be competent to the Courts in Scotland to inflict a similar Punishment?
There is this Objection to it; that it would require the Courts in Scotland to make themselves acquainted with the Nature of Misdemeanor by the Law of England, and the Nature of Punishments applicable to it. They would have to consider the Law of England relating to Misdemeanors, with which they are not otherwise conversant. I think it would be better to define it in any other Way; by saying that they should be punished by Fine or Imprisonment, or in the same Manner as they would be punished by the Law of Scotland for having taken a false Oath. That would leave the Law exactly as it is now in both Countries.

In Cases to which by the Act in question the Punishment applicable to Perjury is applied, in what Way would your Lordship propose that that Punishment should be applied in Scotland?
I am not aware of any good Ground on which the Punishment should be

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made lighter for taking a false Declaration than for taking a false Oath; for it is rather to be apprehended that Persons may be more ready to make false Declarations than false Oaths, and if there were to be any Difference in the Punishment it would tend to increase that Feeling. If I were to suggest any thing it would be that the Punishment should be at least as severe for a false Declaration as for a false Oath.

What is the Punishment for wilful and corrupt Perjury in Scotland at present?

It is very much at the Discretion of the Court. In an important Judicial Proceeding the Punishment for wilful and corrupt Perjury would in some Cases be Transportation; I have known it in others Imprisonment, being placed in the Pillory, or a Fine. It is understood to be a discretionary Punishment; and if there was any Species of Offence which it was the Object of the Legislature to distinguish from judicial Perjury—a Class of Oaths considered less important—it might be provided that they should be punishable by Fine and Imprisonment, at the Discretion of the Court. It might be expressed, as in some former Statutes, in these Terms: "That every Person who shall commit, in Scotland, any Offence against this Act which is hereby declared to be a Misdemeanor, shall be liable to be punished by a Fine or Imprisonment, as the Judge or Judges before whom such Offender shall be tried and convicted may direct."

And that your Lordship conceives would be a Punishment of equal Extent to that to which Misdemeanors are subject in England?

I do not venture to speak with Confidence as to what is the Punishment of Misdemeanors in England; but I imagine it is Fine and Imprisonment.

Discretionary?

I believe it is at the Discretion of the Court. In the 7 & 8 W. 3. c. 34. s. 3. the Penalty for a false Affirmation made by a Quaker is declared to be the same as that enacted against Persons convicted of wilful and corrupt Perjury. In the 6 Anne, c. 23., which relates to the Election of Scotch Peers and Members of Parliament, Quakers are allowed to make their Affirmation in such Elections. The 1 G. 1. stat. 2. c. 6., which allows the solemn Affirmation of Quakers to be taken instead of the Adjuration Oath, made the Act of 7 & 8 W. 3. perpetual, and admitted of being carried into effect in Scotland in the same Manner as in England, from the Terms used being general and applicable to the Law of both Countries.

Are there fewer Affidavits taken in Scotland than heretofore there were in England?

The Law of Scotland is very adverse to Affidavits. They are chiefly taken in Revenue Cases, where the Law of Scotland and of England is the same; but in the ordinary Proceedings before Scotch Courts Affidavits are not admitted. There is perhaps One Exception, which is in the Case of a Wife making a judicial Ratification of a Deed granted by her. It has been the Practice from an early Period, and appears in some Measure to have been sanctioned by Statute, that this should be done upon Oath; and when the Act of Parliament of the 5 & 6 W. 4. c. 62. was passed, which, in Paragraph 13., declared that Justices should not administer Oaths where they had no Jurisdiction, a Difficulty arose with regard to Ratifications made by Wives before Justices of the Peace in Scotland, and in some Cases in England where they had Property in Scotland. In consequence of that an Act of Parliament of the 6 & 7 W. 4. c. 43. was passed for the Purpose of making such judicial Ratification lawful; but I think it would be an Improvement in the Law to enact that a solemn Declaration made before a Magistrate ratifying the Conveyance made by a Person under the Power of her Husband should have the same Effect as if it had been made on Oath.

Is your Lordship of opinion that it is desirable to substitute Declarations in lieu of Oaths wherever it is practicable?

Certainly; I think it extremely desirable, and much in accordance with the general Feelings of the People of Scotland and with the Course of Judicial Procedure there.

Is the Law of Bankruptcy and Sequestration the same in Scotland as in England?

No; it is regulated by Statute applying to Scotland alone; but there are

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Oaths required by the Scotch Statute which Bankrupts are obliged to take, and Persons who claim under that Statute are also obliged to take Oaths to the Verity of their Debt. It appears to me that the Laws of both Countries ought to be made the same in that respect; and if Declarations should be received instead of Oaths in Proceedings in Bankruptcy in England, the same Regulation ought to be applied to similar Proceedings in Scotland.

Are those Matters which are likely to lead to judicial Proceedings?
Yes, they are in some degree considered as judicial, for they take place under the Authority of the Court of Session.

And if they are liable to become Matters of judicial Proceeding, does what takes place there become liable to be made a Matter of perfect Testimony when the Case becomes one of judicial Proceeding?
No; the Oath of Verity is only an Oath as a Precaution against a Person claiming a Debt which he is not entitled to.

Then they do not acquire the Validity which belongs to judicial Oaths if the Matter becomes one of judicial Inquiry?
No; it is merely the Oath of the Party that he believes the Debt is due to him.

Such being the Case, does your Lordship conceive that a Declaration would be as desirable as Oaths on those Occasions?
I think upon the whole that the Object of the Statute would be as well answered by a Declaration as by an Oath, though there may be Persons having such Feelings as may make them more unwilling to make a false Statement on Oath than merely on a Declaration; yet I do not think that in the Case of Creditors claiming Debts it is likely to occur frequently, or affords any strong Reason for not substituting a Declaration. There is now a Bill before the House of Commons for regulating Sequestrations, and if that Bill comes before the House of Lords there will be an Opportunity of considering that Question. The Law at present stands on the 54 G. 3. c. 137.

Has your Lordship any Means of forming an Opinion as to the Number of Oaths that have been dispensed with in Scotland with reference to any thing which comes before Courts of Justice in consequence of the Act that passed in 1835?
I do not suppose that that Act has had any very extensive Operation in Scotland, except in Revenue Cases, or Persons who account in the Exchequer.

Is there any Difference between the Two Acts with regard to Oaths taken?
A Distinction may be made between the Oath which the Bankrupt is required to give in his Examination under the 33d Section of the 54 G. 3. c. 137. and the Oaths which Creditors are obliged to take to the Verity of their Debts. Creditors most frequently swear to their Debt upon very imperfect Information, and from their being obliged to do so it tends to diminish the Feeling which ought to prevail with regard to an Oath. The Bankrupt, on the other Hand, ought to be fully aware of all the Circumstances with regard to which he is bound to give his Oath, and there may be Grounds for retaining the Bankrupt's Oath. Although the Oath of the Creditor to the Verity of his Debt might be dispensed with and a Declaration substituted for it, at the same Time I do not mean to give a decided Opinion that a Declaration might not with Advantage be substituted in both Cases; but in that Case there ought to be the same Penalty attached to a false Declaration as to a false Oath.

Have you any thing else to suggest to the Committee?
Nothing further has occurred to me than to bring under their View the Oath which Creditors are obliged to give in order to arrest Debtors upon a meditatio fugæ Warrant. In such Cases the Creditor who applies for such a Warrant must swear to his Debt and his Belief of an Intention on his Debtor's Part to abscond; and he must justify his Belief by a Statement of the Grounds on which it rests. It would, I think, be an Improvement to substitute a Declaration by the Creditor in such Cases for an Oath, providing that a false Declaration

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ration should be punished in the same Manner as a false Statement on Oath. There is also some Difference of Opinion with regard to the Interpretation of the 4 & 5 W. 4. c. 40. with regard to Friendly Societies; Section 4. requires Alterations of the Rules to be accompanied by an Affidavit of the Clerk or Secretary,—a Declaration might be there substituted with Propriety in place of an Oath.

The Lord Advocate withdraws.

F. Hobler, Esq.

FRANCIS HOBLER Esquire is called in, and examined as follows:

You are Clerk to the Magistrates at the Mansion House, are you not?
To the Lord Mayor.

You are aware that an Act of Parliament passed in the Year 1835 for the Purpose of substituting Declarations in lieu of Oaths in certain Cases?
I am.

And declaring that voluntary Affidavits were illegal?
I am aware of that Act.

Have the Magistrates in the City of London administered any voluntary Affidavits since the passing of that Act?
I can only speak of the Lord Mayor, and there has been none such to my Knowledge allowed.

Have you found any Inconvenience arise from it?
Trifling.

State what the Inconvenience has been?
That Persons come to make an Affidavit, and they are told they cannot make it. They wonder, and then it is explained to them, and they say the Thing will not do without an Affidavit; that their Purpose will not be answered without. However, it is refused if it is not legal.

You mean to say the Parties are disappointed?
Nothing more.

Do you believe that any Evil has arisen to the Public from the passing of that Act?
I cannot think there has been.

Has it been the Practice of the Lord Mayor to ask the Parties if they wished to make a Declaration?
They are told they may make a Declaration, and the Act is read to them.

Are they in the habit of taking advantage of that Offer?
Frequently; they go and get a Declaration. I tell them, "if you go to such a Stationer behind the Exchange, he will sell you a Form beginning and ending properly, which you can fill up with what you want, and then it can be taken."

Then it is a voluntary Declaration?
Yes.

Are you aware whether any Frauds have been committed on the Pawnbrokers in consequence of a Declaration having been substituted for the Oath, with respect to the Loss of Duplicates?
I have not heard of any.

Has the Lord Mayor been in the habit of taking Declarations of Persons who have lost their Duplicates?
Persons who lose their Duplicates come to declare now, and formerly they used to swear, that they had lost and not sold or transferred them, and the Pawnbroker is then able to give them a Copy of that Duplicate, which answers the Purpose of the Original.

And have you found any Inconvenience or Case of Fraud to arise?
None.

F. Hobler, Esq.

With respect to Rewards to the Firemen. If a Declaration was substituted in lieu of an Oath in those Cases, have you any Reason to apprehend that there would be any Evil arise to the Public?

I should think not. The Rewards in London, unless they are given by the Parties,—by the Parties in Office, Overseers or Churchwardens,—are never given without a Hearing before the Lord Mayor, and he hears other Evidence besides the Firemen, who may be interested in their own Pocket.

Does he hear the other Evidence on Oath?

Yes; Persons who would prove there really was a Fire or was not, or that the Engines came an Hour after the Fire was extinguished, and so forth, are sworn, and then if the Lord Mayor thinks the Men deserve something for their Zeal, he says, "You must give them a Trifle."

But Testimony in favour of the good Conduct of the Firemen is given very often not on Oath, is it not?

They are generally sworn.

You do not now swear to your Accounts?

No, declare.

Declare instead?

Declare instead. It is but lately that any thing of the Sort was asked of me, but now I declare to the Truth of the Accounts.

Whereas you would formerly have been required to swear?

Yes.

Can you inform the Committee of the Number of Declarations which have been taken before the Lord Mayor where formerly Oaths would have been administered?

No.

Many Thousands?

A great many, because there is one Class that must come before the Lord Mayor, where Oaths were formerly taken and Declarations are used now, as to Proofs of Deeds, or Deeds going to the Colonies, and they pass under the Lord Mayor's Signature that a Declaration has been taken before him, and as it cannot be done anywhere else it amounts to a great many in a Year.

That is in consequence of the Provisions of the Act of 1835?

Yes. They are now Declarations, and they must be numerous, because the Lord Mayor only can take that Declaration or Oath; but I never knew the least Inconvenience to arise from it. The only Inconvenience I think is with regard to Half-pay Officers and Persons who come about purchasing Annuities. Some of the Acts of Parliament require an Oath; then I have to tell them "this must be a Declaration." "But," they say, "a Declaration will not do." And the same with the Half-pay Officers; they come, and are refused; they are indignant; they say, "I received this Yesterday from my Agent, it must be wrong;" then we show them the Act of Parliament. Those are little Inconveniences; but they amount to nothing.

Those Inconveniences arise from an Ignorance of the Act?

Yes; from the Agents not giving proper Information.

And that will wear off when the Act is better known?

It gets less and less. The Agents ought to furnish all those who employ them with proper Information.

Are you aware whether the Corporation of the City of London, or any of the Companies, have availed themselves of the Act of 1835, and substituted Declarations in various Cases where Oaths were taken by Members of their Bodies?

I am not aware. Generally the old Oaths are, "Ye shall swear," so and so, and I am not aware whether at the Town Clerk's Office there is any Substitution.

Do you know that it has not taken place?

I do not know, for it is quite out of my Department.

F. Hobler, Esq.

Are you aware whether the Sheriffs Bailiffs take an Oath?
I am not.

Are there any Commissioners of Sewers in the City of London?
Yes.

Do you know whether they take an Oath or not?
No, I do not; but I think the Act of Parliament by which they are regulated describes the Oath. I think so; but I only speak from Recollection. It is not at all in my Department.

Are you aware of any Case in which, without Inconvenience, Declarations might be substituted in lieu of Oaths?
I cannot help thinking an Oath had greater Solemnity in common Minds than a Declaration.

That was your Opinion when you were examined before?
Yes, I still think the same. I think that there is a Solemnity about an Oath that is felt more than a Declaration.

Do you not think that Solemnity is in a great measure diminished by the Multiplicity of Oaths?
It may be, and by the Manner in which they are administered by Inferiors.

Do you not think that the Solemnity would be increased in those Cases where Oaths are still retained, if in a great Number of other Cases Declarations were substituted?
But when you want to come at the Truth you try to get at it by the nearest Way.

Though that is your Supposition, still you are not, in point of fact, aware of any Case where Declarations have been substituted, accompanied with a Penalty, in which Inconvenience has been found to arise?
No.

With respect to Pawnbrokers Duplicates supposed to be lost, are not those Claims generally made by Persons in the lower Class of Life?
Not always. There are Persons you would little suspect who are obliged to go to the Pawnbrokers.

But in many Instances are they not Persons who have been brought to Distress from leading dissolute Lives?
What the Causes may be I do not know, but they would not pawn without immediate Distress I suppose.

But they are not the best educated Class of Society that generally apply for a fresh Duplicate?
Generally speaking they are the lower Classes, who use the Pawnbrokers continually as a Convenience.

And still you have found no Fraud to occur with the Declaration?
I have heard no Complaint, and the Pawnbrokers complain as soon as anybody.

You are not aware that there has been any Increase of Fraud?
Not at all.

The Witness is directed to withdraw.

J. Shephard, Esq.

JOHN SHEPHARD Esquire is called in, and examined as follows:

Do you belong to Doctors Commons?
I do.

Can you give the Committee any Information respecting the Oaths which are now required to be taken by the Clergy?
There are Oaths required to be taken on the Confirmation and Installation of Bishops, on the Admission of Prebends and Canons, and by every Clergyman before his Institution to a Living or other Ecclesiastical Preferment.

Does

Does a Clergyman take a fresh Oath on his Institution to every new Living? *J. Shephard, Esq.*

Yes.

If he takes a Curacy does he also take an Oath?

Yes.

If a Bishop is installed by Proxy, does his Proxy take an Oath?

Yes, he does.

Can you state to the Committee what that Oath is?

Yes, I can.

The Witness produces the Form of the Oath, which is read as follows:

INSTALLATION OF BISHOP.

[*Oaths of Allegiance and Supremacy.*]

I Charles James Bishop of London, [*or, if by Proxy,* I in the Name of the Right Reverend Father in God by Divine Permission Lord Bishop of London, and by virtue of my said Proxy under his Lordship's Hand and Seal,] do swear, that I will reside according to the approved Custom of the Cathedral Church of St. Paul London, unless I shall be otherwise indulged and it shall be dispensed with in that Behalf, and will defend the Rights and Liberties of the said Church, and observe the approved Customs thereof, and such as shall hereafter be approved of; and so far as concerns me will cause the same to be observed by others so far as they are not contrary and repugnant to the Statutes, Laws, Provisions, Ordinances, and Injunctions of the Realm and the Prerogative of our Sovereign Lord the King, and not otherwise or in any other Manner whatsoever.

So help me GOD.

The Lord Bishop of Ripon delivers in the following Form as the one which was used on his Lordship's Installation:

I George Henry Webber, Clerk, Master of Arts, Canon of this Church, Proctor of the Right Reverend Father in God Charles Thomas by Divine Permission Lord Bishop of Ripon, elected and confirmed, and in the Stead, Place, Name, and Person of my said Lord, do swear, that the said Right Reverend Father, my Lord aforesaid, now to be inducted, installed, and enthroned into the Episcopal See of this Cathedral Church of Ripon, shall observe and to the utmost of his Power defend the Rights, Privileges, Statutes, and Customs of the said Church not contrary and repugnant to Divine Law and to the Laws and Statutes of this Realm. So help me GOD and the HOLY EVANGELISTS.

C. T. RIPON,
By *George Henry Webber.*

If either of the Archbishops are installed by Proxy does the Proxy take an Oath?

Yes.

Is that to the same Effect as the other?

It is generally to the same Effect as the one I have given in.

Have you the Form of the Oath which is taken on the Confirmation of a Dean?

Yes.

The Witness produces the Form of the Oath, which is read as follows:

Confirmation of Dean of St. Paul's.

In the Name of God, Amen. Before you the Right Worshipful Doctor of Laws, for the Purposes required in this Behalf, Commissary, sufficiently and lawfully authorized, I , Doctor in Divinity, elected and confirmed Dean of the Cathedral Church of Saint Paul London, do promise and swear on the Holy Evangelists by me corporally touched, that I will be obedient to the Right Reverend Father in God by Divine Permission Lord Bishop of London, and to his lawful Successors for the Time being, in all lawful and honest Commands; and by reason of the Manor of Shadwell I will be also faithful to the Right Reverend Father aforesaid and his lawful Successors, and will perform Canonical Obedience. Moreover, that I will in no wise make, or cause or procure to be made, any Alienation of the Goods and Possessions of the said Deanery or to the said Deanery in any Manner belonging, or Donations or Concessions of the said Goods and Possessions, to the Hurt, Damage, or Prejudice of the said Deanery, without the express Licence and Consent of my Diocesan and Ordinary, the Bishop of London for the Time being, being expressly obtained.

So help me GOD, and the Contents of this Book.

J. Shephard, Esq.

[*Oaths of Allegiance and Supremacy.*]

I elected Dean of the Cathedral Church of Saint Paul London, do swear, that I have made no Simoniacal Payment, Contract, or Promise, directly or indirectly, by myself or by any other, to my Knowledge or with my Consent, to any Person or Persons whatsoever, for or concerning the procuring and obtaining of the said Deanery, nor will at any Time hereafter perform or satisfy any such Kind of Payment, Contract, or Promise made by any other without my Knowledge or Consent.

So help me GOD, through JESUS CHRIST.

Would the Oath be taken by Proxy if the Dean was installed by Proxy?

The one which I have produced is the Oath on Confirmation; upon the Installation it might be taken by Proxy.

Does a Clergyman when he is appointed Archdeacon take an Oath also?

Yes.

Does a Clergyman take an Oath also if he is appointed a Rural Dean?

No; it is merely an Appointment by the Bishop.

All the Oaths which are taken have reference to the particular Duty to be performed and to Canonical Obedience to the Bishop in whose Diocese the Living is situated?

In almost all Cases the Oath of Office is taken, in many the Oaths of Allegiance and Supremacy, and in some Cases the Oath of Obedience.

Is it not the Case that those which are strictly speaking Clerical Oaths have reference to the Duty to be performed towards the Diocesan, and that they are likewise applicable to the particular Office to which the Party is appointed, whether it is a Living, Archdeaconry, or whatever it may be?

In the Case of a Living there is an Oath of Obedience to the Bishop of the Diocese taken.

Is the Oath of Allegiance connected with his being appointed to the particular Living? Is it as Vicar or Rector of such a Place?

Certainly.

Then unless the Form of the Oath was to be altered that Oath would be no longer available than he continued in Possession of that particular Living?

No, not unless the Form of the Oath were altered.

Would it not be very easy to alter the Form of the Oath so as to include every Diocese?

It would require some Consideration to give a satisfactory Answer to that Question.

Might it not be done in this Way: that the Clergyman should swear Obedience to the Bishop of the Diocese under whose Spiritual Government he might be?

That would be to the Bishop of every Diocese.

If at the present Moment a Clergyman of the Diocese of A. is appointed to a Curacy in the Diocese of A., he would be required to take the Oaths?

Yes.

If on the following Day he was appointed to a Rectory in the same Diocese he would be required to take the Oaths again?

Yes.

And on every Change or upon every Exchange of Livings he would be again required to take the Oaths?

Yes.

Is a Bishop being installed by Proxy a Thing of usual or unusual Occurrence?

It is not very unusual.

If a Bishop is installed by Proxy his Proxy takes the Oath which you have delivered in?

Yes.

When

When the Bishop proceeds to his Cathedral is he called on to take the Oath himself?

No; I apprehend that the Oath taken by his Proxy is available for all Purposes.

Before whom does the Proxy take the Oath?

Before the Dean and Chapter.

In the Cathedral?

In the Cathedral or in the Chapter House.

Before whom do the Clergymen in the various Parts of the Country take the Oath?

Before the Bishop.

Would there be any Difficulty in providing that instead of an Oath being taken by the Proxy it should be taken by the Bishop himself at his Consecration?

No; or upon the Confirmation where it is a Translation.

Either of which must necessarily take place before a Proxy can take the Oath for him?

Certainly.

Is an Oath taken upon procuring a Licence to marry?

Yes.

And also a Bond given?

No; that is dispensed with under the last Act.

Do you not believe that a Declaration would answer all the Purpose of an Oath upon the Occasion of granting a Marriage Licence?

That is a Subject which I should wish to consider before I gave any Opinion upon it.

Do you apprehend that, practically speaking, there is any Use in the Oath taken by a Person wanting a Marriage Licence?

The only Security that suggests itself to me is, that the Court by virtue of that Oath is satisfied that the Facts stated in the Affidavit, or what is called the Warrant, are all true; and there is the Security of the Oath of the Party rather than his simple Declaration.

In Ninety-nine Cases out of 100 the Oath is either that the Parties are of Age or that they are under Age, and that they have a Guardian or have not. If a Person had a fraudulent Design, would he not just as soon take a false Oath as make a false Declaration?

I think not. The Facts contained in the Affidavit are as to the Ages of the Parties, as to there being no Pre-contract or Consanguinity, and as to the Residence. Those are the principal Facts contained in the Affidavit.

Where Parties have no Intention of committing a Fraud no Objection could be made to a Declaration?

No.

But where they have a fraudulent Design, would they not be just as likely to take a false Oath as to make a false Declaration?

Really I should think that in the Minds of most Men there is that Idea of the Sanctity of an Oath that it would be a greater Restraint than a Declaration.

Does the Punishment of Perjury apply to a Breach of that Oath?

Certainly.

Under the Marriage Act?

Yes.

What are the Oaths that are taken previous to proving a Will?

There are Two Oaths taken previous to proving a Will. There is the general Oath of an Executor that the Paper exhibited before the Surrogate is the last Will of the Party deceased; that he is the Executor, and will faithfully discharge his Trust, and that the Effects are under such an Amount. There is besides an Affidavit required by the Stamp Office pretty much to the same Tenor, to the Truth of which he is also sworn.

J. Shephard, Esq.

Has not the Oath for the Stamp Office been abolished in consequence of the late Act?

No.

If a Case comes before a Court of Justice, is the Oath to which you have last referred,—the Oath taken by the Executor,—admissible in Evidence?

Certainly.

What Proof do you require of the Death of a Party before the Will is proved by an Executor?

Merely the Oath of the Executor.

Have you known any Instance in Doctors Commons of a Gentleman coming to get back his own Will after it had been proved?

I have heard of such a Case.

When a Person administers to a Will you require a Bond as well as an Oath, do you not?

Where the Party has died without a Will the Bond is required, or where no Executor is appointed, but not where there is a Will with an Executor appointed therein.

Have you the Form of Appointment of a Notary?

Yes.

Deliver it in?

The Witness produces the Form of the Oath, which is read as follows:

by Divine Providence, Archbishop of Canterbury, Primate of all England, and Metropolitan, by Authority of Parliament lawfully empowered for the Purposes herein written. To our beloved in Christ, a literate Person born in the Diocese of Health and Grace: We being willing, by reason of your Merits, to confer on you a suitable Title of Promotion, do create you a PUBLICK NOTARY; previous Examination, and the other Requisites to be herein observed, having been had: And do out of our Favour towards you admit you into the Number and Society of other Notaries, to the End that you may henceforward in all Places exercise such Office of Notary; hereby decreeing, that full Faith ought to be given, as well in Judgment as thereout, to the Instruments to be from this Time made by you; the Oaths hereunder written having been by us, or our Master of the Faculties, first required of you and by you taken.

I do sincerely promise and swear, that I will be faithful and bear true Allegiance to His Majesty King . So help me GOD.

I do swear, that I do, from my Heart, abhor, detest, and abjure as impious and heretical that damnable Doctrine and Position, that Princes excommunicated or deprived by the Pope, or any Authority of the See of Rome, may be deposed or murthered by their Subjects, or any other whatsoever: And I do declare, that no Foreign Prince, Person, Prelate, State, or Potentate hath, or ought to have, any Power, Jurisdiction, Superiority, Pre-eminence, or Authority, Ecclesiastical or Spiritual, within this Realm.

So help me GOD.

I do swear, that I will faithfully exercise the Office of a Notary Publick. I will faithfully make Contracts wherein the Consent of Parties is required, by adding or diminishing nothing, without the Will of such Parties, that may alter the Substance of the Fact. But if in making any Instrument, wherein the Will of one Party alone is required, this I will also do, to wit, I will add or diminish nothing that may alter the Substance of the Fact against the Will of the Party himself. I will not make Instruments of any Contract in which I shall know there is Violence or Fraud. I will reduce Contracts into an Instrument or Register: And after I shall have so reduced the same, I will not maliciously delay to make a publick Instrument thereupon against the Will of him or them on whose Behalf such Contract is to be so drawn; saving to myself my just and accustomed Fee. So help me GOD.

Provided always, that these Presents do not avail you any thing, unless duly registered and subscribed by the Clerk of His Majesty for Faculties in Chancery. Given under the Seal of our Office of Faculties, at Doctors Commons, this Day of in the Year of our Lord One thousand eight hundred and , and in the Year of our Translation.

The Witness is directed to withdraw.

Mr.

Mr. LEWIS LEVY is called in, and examined as follows: *Mr. Lewis Levy.*

Have you not been concerned with the Collection of the Post Horse Duties?
I have; but they are not farmed now. I was Farmer of the Post Horse Duties for Twenty Years.

The Post Horse Duties are now placed under the Excise?
Yes, lately.

The Committee have been given to understand that you have found some Inconvenience to arise from the Substitution of Declarations in lieu of Oaths?
I believe the Oaths have been done away now some Five Years or thereabouts, but prior to that a great many Persons, when they paid me the Duty, told me, that if they had not had to take their Oath, they would not have paid me One Half of that. There was One Man in particular told me so who lives at ——— in Kent.

Have you any Reason to believe that since Declarations have been substituted for Oaths that you have been more cheated than you were before?
I have not the least Hesitation in saying to a great Extent.

More than you were before?
I have no Doubt that Fraud takes place to a much greater Extent than it did before; and I am so convinced of that, that if any of those Counties which I formerly farmed were to be put up again, I would give a much larger Sum for them if the Parties were obliged to take an Oath as they did formerly, than if they made a Declaration.

The Class of Persons who have to take Oaths or make Declarations in such a Case being Innkeepers?
Persons who let out Horses for Hire; some of them are Innkeepers and a great many are not.

Was there any Penalty for a Breach of the Declaration in the Cases to which you allude?
No; there is no particular Penalty, only for not entering.

If 100*l.* Penalty was imposed upon all Persons who took a false Declaration, would you not think that a pretty good Security?
I should not think it worth a Penny, because the Declaration goes so far as to say to the best of their Knowledge and Belief, and they can always evade it.

How?
By putting forward some Mistake. In Ninety-nine Cases out of a Hundred, formerly, if you detected a Postmaster in the greatest Irregularities possible he always made Friends with some Member of Parliament or influential Person, saying it was a Mistake, and he would get him off.

But you do not think that a Member of Parliament could get a Man off a Penalty of 100*l.* if it were imposed by Statute?
Yes; they have done it Scores of Times.

But suppose Half the Penalty was given to the Informer, would not that, do you think, get rid of the Difficulty?
Perhaps you will allow me to explain how the Post Horse Duty stands. It was not in the Power of the Farmer to proceed for any Penalty unless with the Consent of the Commissioners of Stamps. The Commissioners of Stamps employed their Solicitor to proceed against the Postmaster where they thought fit. Immediately after they take Proceedings against him they send him a Letter, stating, if you have any thing to say in mitigation you must petition; and in Nineteen Instances out of Twenty those Persons found some Friend, very likely a Member of Parliament, particularly since the Reform Bill has passed, and made him believe that there was some Mistake. I do not mean to say that the Member thought they had done wrong, but the Impression upon his Mind was that it was some Mistake; that in the Hurry of Business the Man, without intending it, had committed an Error, and in such a Case the Commissioners of Stamps had it in their Power to mitigate the Penalty to whatever Sum they thought proper.

Mr. Lewis Levy.

Do you not think that you were a good deal cheated formerly under the Oath?

Yes, but not to the same Extent as Fraud is practised now. There are a great many illiterate Persons who were alarmed at the Oath more than any other Penalty, and under the Post Horse Laws it was always placed conspicuously in front of the Post Horse Duty Book; and I think the Fear in being detected in making a false Oath caused us to obtain what we otherwise should not.

Did you ever know an Instance in which a Man who had cheated you was prosecuted for wilful and corrupt Perjury?

No.

Then the only Security you had was the Moral or Religious Obligation which was felt for an Oath?

Yes.

And that you conceive to be a better Security than a Penalty of 100*l.* for making a false Declaration?

A great many of those Persons who let out Horses for Hire, particularly in the County of Kent, would not care for the Penalty if it was 1,000*l.*, for they know they have not got 100 Pence in the World.

Supposing the taking a false Declaration was declared to be a Misdemeanor, and subject to the Punishment of that Offence, would not that, do you think, have the Effect of deterring Persons from taking false Declarations?

I think it would.

Do you not think that the Certainty of Punishment in this World would, with many Persons, have more Effect in preventing them from doing wrong than the Fear of Punishment in the next?

It depends on the Class of Persons. I think many People are much more fearful of Punishment in this World than of what may happen to them hereafter.

If a Man was perfectly certain that if he was discovered in making a false Declaration he would be tried by a Jury, and subjected to the Punishment applicable to Misdemeanors, do you not think that that would be a Security against false Declarations?

It might be.

Are you not aware that by the Act of 1835 a Person taking a false Declaration in any Case where before an Oath was imposed by Statute would become liable to a Prosecution for a Misdemeanor?

It never came under my Notice. Since the Oaths have been abolished in regard to the Collection of Post Horse Duties I have not paid particular Attention to the Subject. I know that such an Act exists; but I never paid particular Attention to its Details.

Can you state to what Extent you suffered Loss during the Time you farmed the Post Horse Duties?

It is impossible.

On what Ground then do you say you think there has been more cheating since?

In the first instance I have had ignorant Men openly declare to me that if they had not been obliged to take an Oath they would not have paid me near so much.

Is it only from their having told you that if it had not been for the Oath they would have cheated you more, that you believe there has been more cheating since?

Yes. In some Parts of the Country there are Turnpike Gates, and there is a Check upon the People; but in other Parts of the Country there are none; and the only Check there upon them is the Statement which they make, and in that Respect we considered the Oath a great Protection, and I was always particular in those Places to inform them of the Necessity of entering the Things in consequence of this Oath; and after the Oath was abolished, in those Places where there were no Turnpike Gates, I found a considerable Falling-off; in some Places Three Fourths.

The

Mr. Lewis Levy.

The Turnpike Gates are the only Check?
The Turnpike Gates are the only Check at present.

The Gatekeepers are the only Evidence you can produce?
Yes, unless you have Inspectors.

Do you not think you have lost more by Prosecutions not being permitted than you ever did by the Loss of the Oath?
It is impossible for me to answer that Question with any thing like Accuracy, therefore I would rather decline it.

Suppose the present Plan of removing the Post Horse Duty to the Excise was found not to answer, and that the Post Horse Duties were again to be farmed, should you be satisfied to become Contractor if the Penalty applicable to a Misdemeanor was imposed on all Persons making a false Declaration?
I should be perfectly satisfied if it was made a Misdemeanor.

You are not aware of the Fact that by the Act of Parliament it is now a Misdemeanor?
I should think not; we never understood that it was.

Do you think you had more Security from the Oath than you had from the Turnpike Gates?
We had the Security of both.

But, since the Period of Declarations being substituted for Oaths, do you think you have lost where you had the Security and Check of the Turnpike Gates?
I am quite certain that there has been a great deal more Money lost.

Do the Turnpike Gate Keepers on Oath return the Number of Horses that have gone through?
No, they never take an Oath; but there is a Ticket left with them. They have nothing to do but to take in the Ticket and deliver it up to the Farmer.

Might they not make a private Arrangement to return the Tickets to the Person who let out the Horses or to dispense with his bringing them?
They might do so no Doubt, and some such Cases have occurred. In consequence of my Suspicions of such Things being done when I was Farmer of the Post Horse Duties I often farmed Turnpike Gates at a great certain Loss, in order that I might have a Check.

What is the Penalty to which an Innkeeper is subject if the Tickets are not left at the Turnpike Gate?
Ten Pounds.

For each Offence?
Yes; but it is very difficult to convict an Innkeeper upon that Score, for you must prove that he did it from Intent, and you must prove that he did not deliver the Ticket to the Traveller, and in Ninety-nine Cases out of a Hundred it is impossible to bring the Traveller forward before any competent Tribunal to say he did not receive the Ticket.

Is the Penalty the Subject of a summary Conviction before a Justice of the Peace?
Either that, or you must proceed by Penalty in the superior Courts; if by Penalty in one of the Courts, you must proceed by the Commissioners of Stamps. The Farmers of the Post Horse Duties have not for the last Twenty Years been able to proceed without the Commissioners of Stamps, and never since I have been Farmer of those Duties has any thing of the Sort been brought before a Court for Trial. The Penalty has always been mitigated by the Commissioners according to the Merits of the Case. After the Process the Innkeeper may petition, and they always pay strict Attention to the Petition, and hear what the Party has to state, and fine him accordingly.

If the Turnpike Keeper informs against the Postboy for not delivering the Ticket does he get any Part of the Penalty?
No; nor is there any Penalty for it. If a Postboy does not leave a Ticket at the Turnpike Gate it cannot be done in any other Way than by proceeding

Mr. Lewis Levy.

against the Innkeeper for not furnishing the Traveller with a Ticket; he can stop the Horses and demand 1*s.* 9*d.* per Horse, but that is all he can do.

Is that 1*s.* 9*d.* ever paid?
Continually.

It sometimes happens that the Horses do not pass through any Turnpike Gate at all, is there any Check in that Case upon the Innkeeper?
No.

How long have you ceased to farm the Post Horse Duties?
They went to the Excise the First of February last.

The Witness is directed to withdraw.

Ordered, That this Committee be adjourned to Wednesday next, One o'Clock.

Die Mercurii, 24° Maii 1837.

The Duke of RICHMOND in the Chair.

Evidence on the Substitution of a Declaration in lieu of Oaths.

B. Soady, Esq.

B—— SOADY Esquire is called in, and further examined as follows:

Have you read over the Evidence which you gave on a former Day?
I have.

Are there any Corrections you wish to make in it?
Yes, there is one. In the course of my Evidence on the 16th I referred to the Act of the 46th Geo. 3. Cap. 141., whereas I ought to have referred to Cap. 80.; and there are several other Acts by which the Board of Audit are empowered to examine upon Oath.

Would it take the Experience of some Years to enable you to speak with Certainty as to the Convenience or Inconvenience of substituting a Declaration in lieu of an Oath in the Department with which you are connected?
Yes, it would. There are a Number of Affidavits, or Declarations in lieu of Affidavits, delivered in in support of Accounts in the Army Pay Office, and the Vouchers would probably amount to 40,000 a Year; those require to be gone through, and they relate to Half Pay, Widows Pensions, and a Variety of other Matters, but they come within the Cognizance of the Paymaster General.

In Practice is there not some Examination of the Accounts before they come into your Department?
Yes.

And they might find out Errors in the Accounts before they came to you?
Yes; they might detect Errors themselves previous to the Delivery of the Accounts.

The Witness is directed to withdraw.

Hon. W. L. Bathurst.

The Honourable WILLIAM LENNOX BATHURST is called in, and examined as follows:

You are Clerk to the Privy Council?
I am.

Are you aware whether any Oaths have been discontinued in that Department since the Year 1830?
No, none have been discontinued.

Can you state to the Committee what Oaths are now taken by any of the Officers of your Department?
There are no Oaths taken by any of the Clerks, except the Two Clerks of the Council; they take Oaths, but none of the others.

The Two Clerks of the Council take Oaths before the Privy Council?
Yes.

And the President of the Council takes an Oath also before the Privy Council?
No; the President of the Council is declared; he takes no Oath of Office; the President of the Council is declared by the King in Council.

Hon. W. L. Bathurst.

He only takes the Oath of a Privy Councillor?
He only takes the Oath of a Privy Councillor.

Do you know whether any Affidavits are received at the Privy Council?
Before the Judicial Committee, but not otherwise. Now the Judicial Committee sit in the Council Chamber, and then we swear the Parties occasionally. It very seldom happens, but occasionally there are vivâ voce Examinations, and Persons with Affidavits, and then we swear them.

But always in relation to the Judicial Business before that Body sitting as a Court of Appeal?
Yes. We likewise administer Oaths to Witnesses before Committees of the Privy Council.

Is the Board of Trade in the same Department?
Yes.

Are you aware whether there are any Oaths taken by their Clerks?
No, I am not aware that there are.

Do you know at all whether there are any Affidavits received at the Privy Council Office in relation to Applications for being released from Quarantine?
No Vessel can get out of Quarantine except by Order of the Privy Council; and that we, the Clerks of the Council, sign, but no Oaths are taken before us.

But are Affidavits sent to you stating the Health of the Crew or any other Matters?
They do not come before the Privy Council. When Masters of Vessels arrive at the different Quarantine Stations they take an Oath with respect to the Health of the Crew, but those Oaths are taken before the proper Officers appointed.

Before the Quarantine Department?
Before the Officers subject to the Customs, or Quarantine Department, with respect to the Truth of their Replies to certain Questions. Masters of Vessels arriving at any Port of England or Ireland from Places liable to Quarantine are required, upon their Arrival with their Vessels and Cargoes, to swear to the Correctness of the Answers they make to certain Quarantine Questions put to them touching the Health of their Crew on their Voyage to England, and then the Oath is; "I A., having Charge of the Vessel B., do swear, that the Answers I have given to the above Quarantine Questions are true." And this is sworn before the Superintendent or other proper Officer.

You are not aware whether a Declaration has been substituted for that Oath?
I should think not. I spoke to the Inspector General of Quarantine, and he gave me that Information.

Is the Person who administers the Oath to the Captains of Ships a Comptroller of the Outport?
No.

He is under the Customs?
He is under the Customs.

And the Exceptions under the Customs are these: Examinations and Inquiries made by any Surveyor General of the Customs for ascertaining the Truth of Facts relative to the Customs, or Conduct of Officers employed therein, and the like Examination made by the Collector and Comptroller of any Outport; is it not a Comptroller who examines as to Quarantine?
The Name is Superintendent of Quarantine, or the Principal Officer of Customs.

Who appoints the Chief Officers of the Quarantine Department?
The Lord President appoints the Inspector General of Quarantine, but all the other Officers are under the Customs; so that in point of fact the Customs is the proper Office to apply to with respect to these Oaths as to the Masters, for they are taken before an Officer of the Customs by the Masters.

The Witness is directed to withdraw.

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WILLIAM HAMPSON MORRISON Esquire is called in, and examined as follows: *W.H. Morrison, Esq.*

Do you belong to the Mint?
Yes.

Are there any Oaths now taken by the Officers of the Mint?
There is one Oath taken by the Comptroller of the Mint before one of the Barons of the Exchequer to the Truth of the Comptrolment.

Is this Oath taken on his first Appointment?
No, there is no Oath taken on Appointments to Offices in the Mint; the Comptroller, however, makes this Oath to the Truth of the Comptrolment Roll relating to Coinage required to be made up by the Indenture of the Mint.

How often is that Oath taken?
Once a Year.

Until last Year the Master swore to the Truth of his Accounts, did he not?
I am not positive as to the Time when the Oath was discontinued, but he used to swear, and I understand a Declaration is now substituted in lieu of the Oath.

There is at the present Moment no Oath required to be taken at the Mint but the one you have stated?
I believe that is the only one.

The Witness is directed to withdraw.

RALPH EDEN Esquire is called in, and examined as follows: *Ralph Eden, Esq.*

You belong to the Department of the Lord Privy Seal?
Yes.

Are there any Oaths taken in that Department?
There is an Oath of Allegiance taken by the Chief Clerks, one of whom I am, and there is also an Oath of Office.

What is the Oath of Office?
To do the Duty of the Situation in which you are placed, that you will not alter any Instruments that come into your Possession, and so on.

Is that taken by every Clerk in the Department?
There are only Two Patent Clerks now.

Are any of the Messengers sworn in your Department?
They are not; no other Person is sworn; the Lord Privy Seal, by virtue of his Office, takes an Oath before the Privy Council, I believe.

Do not the Messengers in your Department often take very important Papers to the Lord Privy Seal, and bring them back to affix the Seal?
They are generally taken, not by a Messenger, but by the junior Clerk of the Office, who is not sworn; if he be not in the Way the Person doing the Duty at the Time would take them.

Would you see any Inconvenience in dispensing with the Oath of Office, and substituting a Declaration in lieu?
I can conceive none: as Receiver of the Fees, which I am, I have to furnish the Treasury with an Account annually of the gross Amount of Receipts, and the Expenses of the Establishment, the Salaries, for example, and all the contingent Expenses: this Account I must verify upon Oath.

Are you called on to swear to it afterwards before the Commissioners of Audit?
No; I take the Oath before the Barons of the Exchequer, and then transmit my Account so verified to the Commissioners of the Treasury. I have already taken my Oath to the Accuracy of the Account.

And there is no other Oath in your Department?
No.

The Witness is directed to withdraw.

George Maule, Esq.

GEORGE MAULE Esquire is called in, and examined as follows:

You are Solicitor of the Treasury?
I am.

Are you aware that a Substitution of a Declaration in lieu of an Oath has been ordered by the Treasury in most of the Public Departments?
I am; I drew most of the Declarations or settled them, indeed all of them, I believe.

Are you aware of any Inconvenience having resulted to the Public in consequence of that Change?
No.

There are no Oaths left in the Treasury now, are there?
None that I am aware of, except those which may have been imposed by subsequent Acts of Parliament, for those Declarations do not affect subsequent Acts. I should state that those Declarations reserved Power in certain Instances to administer Oaths; for instance, in the Audit Office it reserved the Power to the Commissioners of Audit to examine Accountants on Oath, in certain Cases to administer such Oaths as they had been in the habit of doing, and were empowered to do by Acts of Parliament, provided they thought it necessary.

You are well acquainted with the Act of 1835, are you not?
I am acquainted with it.

Is there any thing in that Act which would render a Man liable to Punishment who suborned a Person to make a false Declaration?
I do not recollect any specific Provision to that Effect.

Do you think a Man could be punished for Subornation of a Declaration as the Law now stands?
I should conceive that inasmuch as the Act renders a Person who makes a false Declaration liable to the Penalties of Perjury, that if a Man were to suborn another to commit that Act he would be liable to the Penalties of Misdemeanor, inasmuch as suborning a Person to commit a Misdemeanor is by the Law a Misdemeanor.

Do you think it would be expedient in any Alteration of the Act to make that clearer, or do you think it is quite clear enough by the Law as it stands?
I think it is clear that by Law an Attempt to instigate a Man to commit a Misdemeanor is itself a Misdemeanor. If it is to be assimilated to suborning Witnesses to commit Perjury, then a Provision like those former Provisions would be necessary to make a substantive Offence of it.

Are such Provisions usual in Acts where Oaths are required?
I really cannot speak to that.

Is the Subornation of Perjury liable to Punishment under an express Act of Parliament?
I do not know whether there is any express Act of Parliament against Subornation of Perjury, but in many Acts which imposed Oaths it made the Persons who incited others to take false Oaths guilty of Subornation of Perjury.

Can you mention any Instance where a Person inciting a Man to commit a Misdemeanor is guilty of a Misdemeanor?
I am not able now to point out any Authorities, but I think I could refer to Authorities of that Sort.

Are you aware whether the Principle of substituting Declarations in lieu of Oaths could be carried still further than it has been, with Safety?
No, I am not aware of any Cases in which Declarations have not been substituted in all Public Offices. With respect to Proceedings in Courts of Justice, I do not apprehend the Question of the Committee is directed to that.

George Maule, Esq.

Have there been Applications made to the Treasury requiring to be supported by Affidavits?

I believe not now; we have substituted Declarations in all those Cases for Oaths. I believe there are subsequent Acts which have authorized the Lords of the Treasury, if they think fit, to require a Statement to be verified by Affidavit to be made before a Master in Chancery or a Judge: those are subsequent Acts, which our Declarations do not affect.

Are you aware now that Justices of the Peace in England are obliged to take an Oath of Qualification that they are possessed of certain Lands and Tenements?

I was not aware of that.

Are you aware that the Commissioners of the Land Tax are obliged to take an Oath of Qualification?

I did not know that they took an Oath; I understood that they must have a Qualification, but I did not know that they were sworn.

Supposing that Justices and Commissioners of Land Tax are bound as the Law now stands to take an Oath of Qualification, do you not think a Declaration might be with Safety substituted?

I do not see that any Mischief could arise from it.

Would not a very little Inquiry enable Parties to find out whether a Person was qualified or not?

I think probably it would, and the taking an Oath would not of course affect the Ease of the Inquiry one Way or the other.

Are you aware of the Existence of an Act of Parliament, called the Watching and Lighting Act, which has been carried into execution in many of the Towns in England?

I believe there is such an Act, but I never read the Provisions of it.

You are not aware whether in that Act the Inspectors are obliged to swear to their Accounts?

No, I am not.

Does any thing pass through the Treasury respecting Fines and forfeited Recognizances?

We advise as to His Majesty's Power of remitting Fines.

And you do not know whether those Fines and Recognizances are sworn to by the Sheriffs, Clerks of Assize, and Clerks of the Peace?

I cannot speak to that.

Are you aware of any Oaths having been required in any Act of Parliament since the passing of the Act of 1835?

The 6 & 7 W. 4. c. 87. has enabled the Lords of the Treasury to require a Statement to be verified on Oath, if they shall think fit. Section 18. says, Officers are not to receive Compensation unless they make a Statement to the Lords of the Treasury, to be verified on Oath by a Judge or Master Extraordinary in Chancery, if they shall so direct.

Would not the Power of the Lords Commissioners under the 5 & 6 W. 4., by making a fresh Direction, obviate that?

I conceive it is competent to the Lords of the Treasury to substitute a Declaration in lieu of this Oath.

By a fresh Notice in the Gazette?

By a fresh Notice.

But they need not administer this Oath unless they please?

No, it is optional.

There has been no Clause to oblige the Lords of the Treasury to substitute Declarations for Oaths?

No.

But the Lords of the Treasury are not authorized after the Notification in the Gazette to permit any of the Boards to take any Oaths so abolished by that Notice; they could not re-enact those Oaths?

No, certainly not.

George Maule, Esq.

But under the Act you have been speaking of with respect to Ely, they might require the Oath if they thought fit?
Yes, the 5 & 6 W. 4. I believe enables the Treasury from Time to Time to substitute Declarations in lieu of Oaths which exist by then existing Acts of Parliament and Acts to be passed.

Is it your Opinion that any Person who incites another to commit a Misdemeanor, not a Felony, is punishable by the Common Law?
That is my general Opinion; I have not considered the Point, not knowing it would arise; but it is my Impression that inciting a Person to commit a Misdemeanor is itself a Misdemeanor.

Are they considered as Accessories?
They are all Principals; in Misdemeanors there is no such Thing as an Accessory.

The Witness is directed to withdraw.

Sir William Pym.

Sir WILLIAM PYM is called in, and examined as follows:

You are at the Head of the Quarantine Department of the United Kingdom?
I am.

Will you inform the Committee what Course the Master of a Vessel pursues on arriving at any of the Ports of the United Kingdom from Turkey?
There are certain Ports to which all Vessels are directed to repair, Stangate Creek, Liverpool, Milford Haven, &c., if they have foul Bills of Health.

What does the Master do when he arrives at any of those Ports?
Immediately on his Arrival the Superintendent of Quarantine, or his Assistant, goes alongside the Vessel, and puts a Number of Questions, agreeable to an Order of Council, to the Master, to which he has to reply, and to the Truth of his Replies he is required to make an Affidavit.

Before whom?
Before the Superintendent of Quarantine, who is a Custom House Officer, or one of his Assistants.

Do you consider that the Superintendent as regards Matters of Quarantine is under the Custom House Department, or under your Orders?
Under the Custom House Department, and the Custom House receive Instructions from the Privy Council.

The Oath has not been dispensed with?
No; I saw the Superintendent Yesterday, and he told me that when the Change took place with respect to the Custom House Oaths he applied to the Customs to know whether he was to continue this Oath, and they desired him to continue it.

Have they found that Declarations made under the Sanction of that Oath have given Security with respect to the Truth of the Answers?
They have not done away with the Oath; it is still an Oath.

In consequence of the Declaration being made under the Sanction of an Oath, have they found the Purpose answered for which the Oath was intended?
I believe so; and in consequence of that they have not thought it proper to do away with the Oath; Masters of Vessels, not attaching so much Importance to a Declaration as to an Oath, would, if the Oath were done away with, be very apt to evade the Quarantine.

When the Master is not enabled to make a satisfactory Answer as to the Health of his Crew, he is kept in Quarantine under the Charge of the Quarantine Department?
So long as he is under Quarantine.

With

Sir William Pym.

With the Yellow Flag flying?
Yes. The Questions and Answers are sent by the Quarantine Officer to the Customs, and by the Customs to the Privy Council, and there they are examined, and if there is any thing suspicious about them they correspond upon the Subject.

Is the Master called upon at any Time afterwards to make an Oath to get out of Quarantine?
He is obliged before his Release to swear that he has conformed to all the Regulations, that there is no infectious Disease on board, and that he has been so many Days in Quarantine.

How is it ascertained that the Crew are healthy when in Quarantine?
By a Medical Man going alongside and examining them.

Is an Oath required from the Crew prior to the Vessel being released from Quarantine?
Before the Vessel is released from Quarantine Two of the Crew as well as the Master are called upon to swear that no Case of infectious Disease exists in the Ship, and that they have performed a certain Number of Days Quarantine.

In your Opinion would a Declaration (a false one being subject to Misdemeanor) be expedient in lieu of an Oath in the last Two Cases?
I am of opinion that a Declaration in the Two last Cases would be sufficient, but not in the first.

In every Instance is there not a Guard kept on board during the whole Time the Vessel is under Quarantine?
Either a Health Guard remains on board, or the Ship is under Observation and under the Superintendent of the Lazarette, which is very often alongside.

Are any of the Officers of the Lazarette sworn?
No.

Is the Medical Man of your Department sworn?
No.

Do you yourself take an Oath of Office?
No.

The Witness is directed to withdraw.

Ordered, That this Committee be adjourned to Saturday next, One o'Clock.

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Die Sabbati, 27° Maii 1837.

The Duke of RICHMOND in the Chair.

Evidence on the Substitution of a Declaration in lieu of Oaths.

Sir James Shaw, Bart.

Sir JAMES SHAW Baronet is called in, and examined as follows:

Are you Chamberlain of the City of London?
I am.

Are the Freemen of the different Liveries sworn before you?
Not of the Liveries; the Freemen upon being made free are sworn before me; the Citizens of London upon being admitted to their Freedom.

Are they numerous?
They are numerous; I suppose about from 800 to 1,000 annually.

Are you aware whether any of the Companies have taken advantage of the Act of Parliament passed in the Year 1835, authorizing them to substitute a Declaration in lieu of an Oath in certain Cases?
I am not aware whether any of the Companies have so acted, because I have no Connexion with the Companies; they are not within my Control.

Are you aware whether the Corporation of the City of London has taken advantage of that Act of Parliament?
I believe they have not.

Under what Authority is the Oath administered?
By immemorial Custom.

And by the Charter of the City of London?
I am not prepared to say whether it is mentioned in the Charter, but the Custom is from the most ancient Time.

You are not aware of any Statute which authorizes it?
I am not.

Do you believe that a Declaration subject to a Penalty would answer the Purpose as well as an Oath, in the Cases of Freemen?
With respect to the Cases of Freemen I do not see that much Difference would arise whether they were admitted by Declaration or by Oath, because there have been no Cases of Prosecutions in consequence of the Oath being taken by the Freemen. If a Freeman misconducts himself, he is amenable to the Court of Aldermen.

But not upon the Ground of his Oath?
Not upon the Ground of his Oath.

Have you ever seen a Return made to this House of the Oaths taken by the Freemen and others of the Incorporated Companies in London, which is to be found in Page 93, and the following Pages of the Appendix to the Report of a Committee of this House upon the Subject of Oaths?
The Oaths taken by Freemen of the Companies the Chamberlain of London has nothing to do with. The Chamberlain of London only administers the Oath to Individuals who come to him to be admitted to the Freedom of London.

You are not aware whether a Declaration has been substituted for the Oath which by this Return appears to be taken by the Lord Mayor, Aldermen, and Recorder, and others, of the City of London?
I believe not.

Sir James Shaw, Bart.

Or the Oath of Sheriff?
The usual Oath is administered to all the Public Functionaries of the City.

There has been no Regulation of the Corporation to allow a Declaration in lieu of the Oath of the Chamberlain?
None; I am not aware of any Change having taken place with respect to the Oath administered to any of the Public Officers.

You do not see any Objection to the Substitution of a Declaration for the Oaths which you administer?
I can see none.

The Witness is directed to withdraw.

Capt. B.S. Lindsey.

Captain BENJAMIN STRATFORD LINDSEY is called in, and examined as follows:

What Office do you hold in the County of Wicklow?
Secretary to the County Grand Jury.

Have you imposed upon you in that Capacity the Duty of administering Oaths?
Yes; to save the Magistrates Trouble the Secretary is in the habit of swearing the Men to different Matters; putting the Book into their Hand and swearing them.

You perform that Duty as the Officer of the Magistrates?
As the Officer of the Magistrates.

Can you give the Committee any Idea of what Number of Oaths you are in the habit of administering?
I could not exactly tell under the new Act. I have been afflicted with bad Eyes, and since the last Act passed I have not read it, but I know there are a great Number. I have only had read to me that Part which belonged immediately to my own Duty, for I have been labouring under Cataract.

But supposing the Oaths under the new Act to be pretty similar to what they were under the former Acts, can you state what the Nature of the Oaths are that you administer?
Posting the Notices is very extensive; every Man that puts in an Application for making a Road posts a Notice, and swears to having posted the Notices on the different Places of Worship in the Parish and all public Places.

What is the Object of posting the Notice?
To give Notice to the Parish to come forward and oppose it if they think the Road not necessary; they post a Notice that they intend at such a Sessions to apply for a Presentment to make such a Road, and then the Parishioners may come forward at the Sessions to state whether they think it necessary or unnecessary.

What is the Extent of the Oath upon that Occasion; is it simply to having performed the Directions under the Act with respect to posting the Notices?
Yes; upon a particular Day, and within particular Hours on that Day, the Second Day but One before the Special Road Sessions of the County.

Subsequently to that what is the next Proceeding in your Court?
The next Proceeding is upon the Man getting the Contract; he then has to swear to having performed the Work faithfully and honestly, and having laid out the Money so presented on the Road.

That is upon a subsequent Occasion?
That is upon a subsequent Occasion.

Is there any other Class of Oaths that you administer?
No; I think those are the only Two Oaths that I administer.

With regard to the First of those, that of simply posting the Notice, is there not the Notoriety, independent of the Oath of the Individual, of his having done so?
Yes.

If he were to neglect doing it, might not Evidence be brought before the Magistrates to prove that Fact? *Capt. B. S. Lindsey.*
Yes.

Are you of opinion that any Advantage is derived to the County from the Oath being required?
I do not think the least; I think in many Instances they never post the Notice at all, though they swear to it: they will post them in some Places because it is necessary in order to get the Presentment, lest it should be objected to for Want of posting.

Do you think that a Declaration on the Part of the Individual of his having posted the Notice would be equally effectual with the Oath?
If there was a Penalty for a Breach of the Declaration I am sure it would be fully as effectual.

Is there any Penalty now for a Breach of the Oath?
Yes; they could be prosecuted for Perjury.

And you think that if there was a Declaration with the same Penalty in case it was false that would answer the Purpose equally well?
I am sure it would; and it would be better for the Country, because it would reduce the Number of Oaths, which are much too familiar at present.

Are you aware whether it is the Practice now for the Magistrates in Ireland to administer voluntary Affidavits?
No; I believe they refuse them almost invariably now.

That was not the Case formerly?
No, it was not formerly; they refuse all exculpatory Affidavits, and I believe all voluntary Affidavits.

Do you think that Improvements might be made in the Manner of administering such Oaths as may be continued?
I think much more Solemnity might be used. I think Oaths are very much hurried.

Is it not your Province to attend at the Assizes?
Yes.

And also at the Quarter Sessions?
Not at the Quarter Sessions; but I do attend at the Quarter Sessions as the Deputy Sovereign of the Town.

In attending at the Assizes you have an Opportunity of observing the Manner in which Oaths are administered there?
Yes.

Do you think that proper Solemnity is observed in that respect?
I do not; I think that Oaths are administered in a very hurried careless Manner.

Do not you think that the Manner in which the Oath is administered has a Tendency to lessen the Respect for an Oath?
Indeed I do.

Do you believe that the Magistrates at Petty Sessions observe more Form in their Mode of administering Oaths than is observed in the higher Courts of Law?
I think they do; I think the Magistrates in general make the People take off their Hats and stand up and observe more Form than in the higher Courts.

Then do you think that the Effect of that is to incline the People who are called upon to swear before the Magistrates at Petty Sessions to pay more Attention to an Oath than they do in Courts of Justice?
I think it has a Tendency to bring a Man to a Recollection of the Situation in which he is placed; for example, I know that respectable Protestants have sometimes a great Objection to take an Oath at all.

With regard to the posting of those Notices for Presentments, are there not certain public Places on which they are obliged by Law to be posted?
Yes; they swear that they have put them there.

Capt. B. S Lindsey.

If those Notices were not posted there, it must be a Matter of Notoriety that it had been neglected?

It would; but if nobody came forward to state that they were not posted, the Magistrates would take for granted that they were done. It is very much the Habit for one Man to post a great Number of Notices at the same Time, and to evade the Oath. I have known Instances where a Man would bring Ten or Twelve Notices, and in order to save the Trouble of posting them separately, he would stick a Nail through the Whole, so that only One could be seen.

And then he would feel himself justified in swearing that he had posted the Notices?

Yes; they are often stuck up for a Moment and taken down again immediately, and brought to another Church; and he would have a Person with him who would come as a Witness to swear that he saw them posted.

Have you Reason to believe that there are Deceptions of that Kind practised in other respects with regard to Money to be levied by Grand Juries?

In the Accounting Affidavits that they put in under the old Law, Men have sworn to very intricate Accounts, to large Sums of Money, that did not know a Figure; they were Marksmen; they could not write their Names.

Is that altered in the present Law?

I do not think it is; I know that Marksmen are allowed to stand as Cess Payers, and I know that Marksmen have been allowed to be Contractors.

Have you Reason to believe that there are Frauds practised with respect to the laying out of Money as presented for the Roads, the Expenditure of which must be sworn to?

There were very considerable Frauds practised before the late Improvement with respect to the County Surveyor. Under the last Act I believe they are not bound to swear to it; they get the Money under the Certificate of the Surveyor who sees the Road.

Do you swear to your Accounts?

I have no Accounts; I have no Management of Money of any Kind.

Do you take any Oath of Office?

No.

Does the Surveyor that you mentioned swear to his Accounts?

No Money goes through his Hands; he merely gives a Certificate when the Work is sufficiently done, and refuses it when he finds it is not done.

You state that there are some Oaths which you yourself put, to save Trouble to the Magistrates. Ought the Magistrates to put them themselves?

I believe it is not imperative upon them; I believe that any Officer of the Court can put the Oath.

The Witness is directed to withdraw.

The following Paper is put in by the Lord in the Chair, and read:

6 & 7 W. IV. c. 116.

Section 29 prescribes an Oath to be administered to the Grand Jury when first impannelled for the Discharge of the Fiscal Business in the preliminary Sitting.

Section 34 directs the Grand Jury to be sworn in the usual Way upon the opening of the Commission for the Discharge of the Criminal Business.

Section 138 enables the Judge to direct a Jury to be impannelled and sworn to inquire into Cases of malicious Injury for which Compensation is sought.

Section 23 authorizes the preliminary Special Sessions to examine upon Oath into the Solvency of the Sureties of Contractors.

Section 38 requires the Necessity for the immediate Execution, out of the ordinary Way, of certain Repairs, to be proved upon Oath; and that the County Surveyor shall verify his Accounts of the Expenditure therein upon Oath.

Section 40 requires the Grand Jury to examine upon Oath as to the Necessity of the Surveyor's having a Deputy.

Section 76 requires the Court-house Keeper to attest by Affidavit the faithful Expenditure of the Money given him for the Purchase of Fuel.

Sections 81 & 82 require that in the Case of Applications for the Aid of Public Money to Dispensaries and Fever Hospitals certain Accounts relating to those Establishments, the Amount of Subscriptions, the Number of Persons admitted or relieved, and the Attendance of the Medical Officers, shall be proved on Oath.

Section 98 enables the Grand Jury to examine the Coroner upon Oath as to the Number of Inquests and Witnesses examined before him in reference to his Application for Payment of the Expenses.

Section 112 requires the Clerk of the Crown to verify his Accounts upon Oath.

Sections 136 & 137 require the Facts to be proved on Oath in case of Applications for Compensation for malicious Injuries to Property.

Section 142 requires the Clerk of the Crown to attest upon Oath the Presentments made at each Assizes.

Section 145 requires the Facts to be proved on Oath before the Grand Jury shall give fresh Authority for levying any alleged Arrears of County Cess.

Section 148 requires the High Constables and Collectors of the County Cess to verify their Accounts upon Oath.

Section 151 requires the Applotment of County Cess to be verified on Oath.

Section 152 requires the Facts to be proved on Oath before a Justice shall issue his Warrant of Distress against the Goods of Defaulters being found elsewhere than on the Premises chargeable.

Sections 156, 159, 163, and 164 are Cases of summary Convictions upon Oath before a Magistrate.

Ordered, That this Committee be adjourned to Wednesday next, One o'Clock.

Die Mercurii, 31° Maii 1837.

The Duke of RICHMOND in the Chair.

Evidence on the Substitution of a Declaration in lieu of Oaths.

H. Woodthorpe, Esq.

HENRY WOODTHORPE Esquire is called in, and examined as follows:

Are you the Town Clerk of the City of London?
I am.

Have you seen the Returns in the Appendix C. Page 93, of the First Report of the Select Committee of the House of Lords appointed to inquire into the Expediency of substituting Declarations in lieu of Oaths in certain Cases, in the Year 1834; you prepared that Return, did you not?
Yes, I made that Return.

The Oaths from Page 93 to the End of Page 118 are taken before you?
Yes; that is, they are administered by me with very few Exceptions; there are not above Three or Four; they are virtually taken before me by what is called the Deputy Registrar of the Mayor's Court.

The remaining Oaths down to Page 130 are taken before the Clerks of the separate Companies, are they not?
They are taken before the Master and Wardens, and administered by the Clerks of the separate Companies, and those that are administered by me before the Court of Lord Mayor and Aldermen.

Soon after the passing of the Act in the Year 1835 a Committee was appointed in the City of London to take into consideration the Expediency of substituting under the Provisions of that Act of Parliament a Declaration in lieu of Oaths, was it not?
It was; it was referred to a Committee — one of the standing Committees of the Corporation.

But that Committee has not reported upon this Branch of the Subject in consequence of the Gentleman who proposed it not having been able to attend to it?
The Subject, under the present Circumstances of the Corporation, has dropped for the present; we have not taken any Steps about it latterly, but in October 1835, soon after the passing of the Act of Parliament, the Common Council passed an Act of that Court for regulating the Society or Fellowship of Carmen, in which it is enacted, that in lieu of the Oath theretofore required to be taken or made by every Person upon his Admission to the Fellowship a Declaration should be substituted, and signed by the Party in the Presence of the Wardens and Assistants; and the Form of the Declaration is annexed to the Act; and I have no Doubt that in all future Acts of Common Council where Oaths would have been required Declarations will be substituted.

Have the Proceedings been delayed in consequence of the Inquiry by Commissioners into the whole Corporation?
I think that has been the Cause of the Want of Interest and the not moving in it more quickly; and also from the Circumstance of Mr. Charles Pearson, who had turned his Thoughts very much to the Subject, and who was the Mover of the Reference in Common Council, having been unable from his other Avocations to attend at the Time the Committee met; and since that he has left the Corporation.

In your Opinion might not a Declaration be substituted with Advantage in lieu of an Oath in many of these Cases?
I have no Doubt about it.

H. Woodthorpe, Esq.

Are there not some of the Oaths in which a Man is called upon to swear to do that which by Alterations in the Statute Law of this Country he is not enabled now to perform?

Certainly.

Is there not a Paragraph in the Oath of the Lord Mayor in the following Words: "And good Assize shall ye set upon Breade, Wyne, Fysh, all Flesh, Corne, and all other Victualls;" that Part of the Oath he is not enabled to comply with in consequence of a Change in the Law?

He cannot do it now, because the Practice and Custom has destroyed a great deal, and the Statute has done away with the Assize of Bread.

Then there are these Words: "Weight and Measures in the same Citty ye shall doe to be kept"?

That he does.

There are others of the same Sort, are there not?

Yes; but the Practice has been discontinued, many of them have become obsolete; but it has been considered proper and advisable, both in Law and otherwise, to preserve as much as possible the Forms of ancient Oaths, as more particularly describing, though they may not do the Duties now, what where the Duties of the Office, and if called upon would be compelled to carry them into effect.

Do you swear to your Accounts?

It used to be the Practice, till the passing of the Act of Parliament in the Year 1835, for Officers who had Accounts to render to swear to the Truth of them before the Lord Mayor or an Alderman, but latterly by virtue of the Act of Parliament a Declaration has been substituted.

And you have not heard of any practical Inconvenience being felt in consequence of the Change?

None whatever; for the Officer would still be held as answerable for any Defalcation or Incorrectness in his Accounts just the same as he would have been if he had taken an Oath, for the Declaration is signed by the Lord Mayor or the Alderman before whom the Declaration is made, in the same Manner; formerly it was "Sworn before me," it is now "A Declaration made" or "declared before me."

Are there any Oaths now taken in your Department in the City of London which you think might still be dispensed with, that have not yet been dispensed with?

As far as my own Opinion might be taken, I am confident that a Declaration on the Part of the Officers (instead of saying to him "You shall swear," &c. he should repeat the Words of the Oath, beginning with "I do hereby declare," &c.) would have as good an Effect, if not better, than the actual swearing, in the Manner that Oaths are now administered, further than the Feeling that every Individual must have of the Imperativeness of the Oath before a Declaration; but as a Matter of personal Feeling every sensible good Man would feel himself as much bound by his Declaration as by his Oath.

Are there any other Oaths besides those alluded to which are required to be taken, and in which the Party taking them undertakes to do something that is impracticable?

There are some Officers who take Oaths as Part of their Duty, if called upon, but perhaps from the Circumstances of the Times they are never required, or probably there would be a great Difficulty if they were required.

Within your Department what do you suppose is the Number of Oaths that have been dispensed with under this new Law, and for which Declarations have been substituted?

The Declarations that have been substituted for Oaths have been, as far as I have heard, only relating to the rendering of Accounts, except in the Instance I have mentioned of the Admission of Members to the Fellowship of Carmen.

You are not aware that any Inconvenience has been felt in any Instance where the Declaration has been substituted for the Oath?

No, I am not.

H. Woodthorpe, Esq.

Have you a Copy of the Declaration to be signed by every Person at his Admission into the Fellowship of Carmen of the City of London?
Yes.

The Witness is directed to deliver it in.

The same is delivered in and read, and is as follows:

The Declaration to be signed by every Person at his Admission into the Fellowship.

We whose Names are hereunder written do respectively hereby solemnly and sincerely declare, That we shall be true to our Sovereign Lord the King and His Successors. We shall be obedient to the Wardens for the Time being of the Fellowship of Carmen of the City of London. We shall not discover the lawful Council of the said Fellowship. Our Apprentices, at the Beginning of their Terms or before, we shall bring and present before the Wardens for the Time being of the said Fellowship, and there have the Indentures to be made, and every such Apprentice to be enrolled within the first Year, as the Custom is. We shall not entice or withdraw any Man's Servant of the said Fellowship, until that reasonable Departing be made with his Master. These and all other good Rules made and to be made, not reversed, we shall well and truly at all Times keep; and we severally make this solemn Declaration by virtue of the Provisions of an Act made and passed in the Fifth and Sixth Years of the Reign of King William the Fourth, intituled "An Act to repeal an Act of the present Session of Parliament, intituled 'An Act for the more entire Suppression of voluntary and extra-judicial Oaths and Affidavits, and to make other Provisions for the Abolition of unnecessary Oaths.'"

The Witness is directed to withdraw.

H. Wedgwood, Esq.

HANSLEIGH WEDGWOOD Esquire is called in, and examined as follows:

Are you one of the Magistrates of the Police Office at Union Hall?
I am.

Are you aware that by an Act of Parliament that was passed in the Year 1835 Declarations were substituted in lieu of Oaths in the Case of the Loss of Pawnbrokers Duplicates?
I am.

Are there many Applications made to you from Persons stating that they have lost Pawnbrokers Duplicates?
There are a great many.

Have you found any practical Inconvenience to arise from the Substitution of a Declaration in those Cases in lieu of Oaths?
Not the least.

Are the Persons who make those Claims generally speaking Persons of rather a low Class of Society?
The greater Part of them are of quite the lowest Order of Society.

Are you of opinion that it would be expedient to extend the Principle of substituting Declarations in lieu of Oaths to other Cases?
I think it would be extremely desirable in a great many Cases.

On what Grounds do you form that Opinion?
I think, for example, the Oath required from Parties on taking out Warrants and on instituting other preliminary Proceedings might in all Cases be dispensed with, because, in the first place, the Consequences to the Party charged, of a false Accusation in this Stage of the Proceedings which is not persevered in afterwards, are not very serious, and the Security against it, independent of the Oath, are quite sufficient; and in the next place it is impossible in many Cases for the Magistrates to avoid hearing the Charge before he has administered the Oath. Persons requiring Redress frequently do not themselves know the Proceedings necessary to obtain it. In such Cases they apply to the Magistrate, saying that they wish for a little Advice; we have then to listen to their Story, and perhaps after they have told the greater Part of it we perceive that they require an Assault Warrant, and we have to stop them in order that they may be sworn to what they have already said. It is obvious that the Oath in such a Case is an idle Form.

H. Wedgwood, Esq.

Do you not think that there is some Security to the Liberty of the Subject, and that it could not be so easily interfered with if they are forced to swear to it?

I do not think it is any Security at all in a Case of that Kind.

When Parties have taken the Oath, if it is proved to be false, to what Punishment are they liable?

They are liable to the Penalties of Perjury; but I do not suppose there was ever an Instance of the Prosecution for Perjury in a preliminary Proceeding of this Kind.

Have you never bound the Party over to prosecute against whom the Complaint is made when there has been Perjury obviously committed?

Never.

In these Cases of Pawnbrokers Duplicates to which you have referred, have there been more Applications made to you since the Declaration has been substituted for an Oath?

No, just the same.

Have you any Reason to believe that previously to that the Oath was frequently taken falsely?

No.

No Case of Perjury on the Subject has occurred, has it?

I never recollect any. The Security in the Case of the Pawnbroker's Ticket does not depend upon the Word of the Party who comes to make the Declaration, but upon the Necessity of applying to the Pawnbroker for the Particulars of any individual Pawn.

Do you find any Persons of Respectability come to your Office who although not Quakers object to take an Oath?

I have not found many, but there are some.

Are you of opinion that the Sanctity of an Oath is not a Security for the Liberty of the Subject, even in preliminary Proceedings of a Criminal Nature?

I do not think it is any Security at all.

Are you of opinion that a vindictive, malicious, and quarrelsome Person would hesitate as much in procuring a Warrant for the Apprehension of any Individual, which for the Time deprives him of his Liberty, under a Declaration, as he would under the sacred Responsibility and Liability of an Oath?

I think so, quite. I think the Security results from the Dread of Prosecution or an Action, and not from the Oath.

You mean the Civil Action for false Imprisonment, do you not?

Yes.

You think if a Party is liable to the Punishment of Misdemeanor for making a false Declaration, that that would be a sufficient Security in many preliminary Cases?

I think so in all preliminary Cases.

You mean backed by the Civil Action for false Imprisonment?

Yes.

Should you apply that to Crimes of a serious Description?

Yes, to all. I think there is much more Danger from false Accusations being made in the Case of a slight Crime than of a serious one.

You do not think it necessary in Proceedings, even in the most serious Cases, that they should be commenced by the Oath of the Individual?

No, I do not think it at all necessary.

In Cases of Proceedings upon a judicial Inquiry before you is not the preliminary Matter taken on Oath liable to be taken into consideration when the Matter comes to be judicially considered?

No; when the Case comes to be so considered it must stand on the Merits of the Evidence then produced.

Do you mean to say, that coming before you as a Police Magistrate you would not advert to the Declaration on Oath which was made by the Complainant,

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H. Wedgwood, Esq.

plainant, when you came to inquire into the Matter, in order to see whether you could rely upon the Statement he gave upon Oath, when the Question itself was judicially heard?

The Information taken in preliminary Matters as the Foundation of a Warrant is extremely general in its Terms, usually containing little more than the bare Particulars of the Offence.

Are you in the habit of granting a Warrant on such a slight Assertion? I mean that that is all that is taken down in Writing.

You investigate the Question by simple Inquiry?
Yes.

But that is not taken down?
No, it is not.

Is not the Inquiry made after the Complainant is sworn?
In some Cases, such as I have mentioned, it is made before.

But you ask whether he confirms upon his Oath what has been stated, do you not?
Yes.

Then in the after Proceedings in a Case of this Kind, whatever the Nature of it may be, no Reference is made to that which has not been taken down?
No, there is not.

Even though what has passed has been after the Witness has been sworn?
Yes.

You are aware of the Course which is taken before the Judges of the Land, that the Depositions are Matters which are always liable to be referred to, and are very often referred to so as to produce great Effect?
Not with respect to the preliminary Matters.

You have not many Applications under the Game Laws, have you?
No; I have never had one since I have been a Magistrate.

It is your Opinion that in all preliminary Cases a Declaration might be substituted in lieu of an Oath?
I think it might be substituted with great Advantage in all ex-parte Applications.

In all ex-parte Cases, though followed by a Hearing in which the Magistrate has Power to give a summary Conviction?
Yes.

The Witness is directed to withdraw.

Ordered, That this Committee be adjourned to Tuesday next,
One o'Clock.

Die Martis, 6° Junii 1837.

The Duke of RICHMOND in the Chair.

Evidence on the Substitution of a Declaration in lieu of Oaths.

H. Wedgwood, Esq.

HANSLEIGH WEDGWOOD Esquire is called in, and further examined as follows:

Do you wish to make any Explanation to the Committee of the Evidence you gave on a former Occasion?

Upon one Question I have. I was asked what were my Grounds for believing that many other Oaths might be dispensed with, and I am afraid the Answer I gave might lead to Misconstruction. I believe that all Oaths are contrary to the Spirit of the Christian Religion, and consequently that they are useless; when I say in my Answer that some Classes of Oaths might safely be dispensed with, I mean that the Uselessness of them must be evident to every one who has any Opportunity of seeing their Effect and thinking about them.

What are the Classes to which you allude?

All ex-parte Oaths, promissory Oaths, and Oaths of Office, and so on; I think it is quite impossible that they can have any Effect.

Are you aware that many promissory Oaths and Oaths of Office have been abolished?

I was not aware of that; we have constantly to swear in Constables now, and Soldiers, to a vast Number of trifling Particulars.

The Witness is directed to withdraw.

C. Phillips, Esq.

CHARLES PHILLIPS Esquire is called in, and examined as follows:

You are a Barrister in considerable Practice in the Criminal Courts in the Metropolis?

Yes; some Practice.

You constantly examine Persons on Oath in the different Courts of Justice?

Constantly.

In your Opinion are the Oaths administered in Courts of Justice in the best Manner in order to make the Persons who take them feel the Solemnity of the Act they are doing?

I think so; I do not see how Solemnity could be added to them.

Who administers the Oath?

The Officer of the Court.

Would there be an increased Solemnity in your Opinion if the Judge or the presiding Magistrate administered the Oath himself, as is the Custom in Scotland?

I think not. I think when a Person is taking an Oath, unless he is impressed with the Nature of it, the Method of administering it would make very little Difference.

Do you think that, generally speaking, Persons who take Oaths in the Courts of Justice, to which Allusion has been made, do speak the Truth when they are sworn so to do?

I think the Truth is much more generally spoken under the Sanction of an Oath than it would be if there was no Oath administered.

C. Phillips, Esq.

You think that in Criminal Cases a Declaration, with the Penalty of a Misdemeanor for a false Declaration, would not have the Effect that the Oath has?

I think not; and I may instance to your Lordships that I have frequently observed Persons of the lower Orders of Society particularly endeavour to evade their religious Obligation by kissing their Thumb in the Place of the Book, which shows that they do not attach the same Importance to a Declaration.

You do not think that adding more Solemnity to the Mode of administering the Oath would leave a greater Impression on the Mind of the Person who took it, or make him more likely in taking it to consider it of greater Importance than he possibly may consider it at the present Time?

No, I do not. I do not see how its Importance can be increased in the Mind of any conscientious Person. Of course there will be Persons to perjure themselves under any Circumstances; unfortunately we are aware of that.

Those Persons who would endeavour to avoid taking an Oath by kissing their Thumb can scarcely be deemed conscientious Persons?

No. I instanced that in endeavouring to show your Lordships the Value which even inconsiderate Persons attach to calling the Deity to witness. They do not consider it an Oath if they kiss the Thumb, and therefore they do not mind doing so.

Do you not think that a religiously-minded Person would be more impressed with the Solemnity of the Service in Church if it was read in an audible and respectful Manner than if it was hurried over in such a Way as we may conceive it to be sometimes done by Persons who themselves do not much regard what they are doing?

Certainly I should think that a Person attending Church would expect to hear the Service at all events decently performed.

Do you not think he would be more impressed with the Solemnity of it in proportion to the solemn Manner in which it was performed?

I should doubt that very much. I doubt very much whether any thing would impress a Person with additional Solemnity with respect to Worship who had not that Impression upon him on his very Entrance into the House of God.

Do you know whether in some of the Courts at Westminster Hall Oaths which are supposed to be taken in the Presence of the Judge are in point of fact taken in the Passages?

I never knew an Instance of that, but I have heard it stated, and I believe at Times it may be done. That is merely swearing Affidavits, and I do not apprehend it is necessary to be in the Presence of the Judge, provided he is sitting under the same Roof.

Are there not many Oaths taken before Judges in Chambers, the Persons taking them being in the adjoining Room, and never seeing the Judge?

They are obliged to see the Judge afterwards. I think it very possible that Oaths are taken outside; but the Parties are subject to all the Penalties of the Oath, and they are also taken before the Judge afterwards to be examined on their Oath. The Judge, I believe, attests the Oath as regularly sworn.

Are you of opinion that it is expedient to substitute Declarations in lieu of Oaths, not in Criminal Cases, but in Revenue Cases, and others of minor Importance?

I should be very unwilling to do away with the Formality of an Oath at all. If a Man intends to tell the Truth, I do not see that the Circumstance of taking an Oath does any Harm, and I am persuaded it makes many Men tell the Truth who otherwise would not. I think that the double Penalty incurred by offending God and transgressing Man's Laws operates much more than the Idea of a mere Offence to Man.

Are you of opinion that a Multiplicity of unnecessary Oaths takes away the Solemnity of all Oaths?

That involves a Question of what are unnecessary. I do not think an

Oath should be administered at all unless it be necessary; but if the Object be to obtain the Truth, the Oath is the best Mode we have yet discovered. *C. Phillips, Esq.*

Have you not found that a Person seems to be more impressed with the Solemnity of the Act when taking his first Oath than when he has been in the habit of swearing repeatedly?

I can hardly answer that Question, because I am not aware when a first Oath is taken. I have not observed that the taking of Oaths frequently has by any Means done away with the Importance of them with Persons whom I have seen obliged to take them.

Have you observed it in any Cases?

I have not observed any Instance of it. I take it for granted a Man is fully impressed with the Solemnity of the Matter before he takes his Oath. I do not see how its being frequent should do away with that Solemnity more than going to Church every Sunday would render a Man less careful of his Religious Duties, or less pious in his Observance of the Service.

Are you often in the habit of seeing Persons produced as Bail?

Not latterly, because there has been a great Difference made lately in that Practice. Till within the last few Years the Bail was justified in Court in every Case, but by a recent Act of Parliament they now go to Chambers, so that there are not now perhaps in Court Six Cases where there used to be,—I may be under the Mark in saying it,—a Hundred.

Are there not in point of fact a certain Number of Persons that are generally or often the Bail?

It has been constantly the Custom to hire Jew Bail; and I believe ever since Bail had its Origin there have been Men found to become Bail who disregarded every Moral Obligation.

And do you not think that the Bail so found frequently swear that they are possessed of sufficient Property to justify them in becoming Bail when in point of fact they are not?

Beyond all Question. There is no Doubt it is a Trade; and there is no Doubt on Earth that they swear they receive nothing, in many Cases, for becoming Bail, where it is notorious that they are paid for it.

Did you ever know any Case in which those Persons were prosecuted for wilful and corrupt Perjury?

Yes.

Has that been frequent?

It used to be frequent when the Bail was taken in Court. I have latterly known no Instances of it. It is a remarkable and well known Fact that Perjury used to be committed every Day in open Court, and before the very Face of the Judge.

Now it is committed, if at all, in the Judges Chambers?

Yes. I ought to apprize your Lordships that the Class of Persons I alluded to with respect to Perjury in Bail Cases were chiefly Jews of the lower Grade; at least in the great Majority of Cases.

You have no Reason to believe that they perjure themselves more in Chambers than they did in open Court?

I have not the slightest Reason to suppose they do. I have heard that the Jews do not consider an Oath binding unless a certain Portion of the Old Testament is open before them. They imagine that they are not under the Obligation of an Oath, unless, I believe, a Portion of the Pentateuch lies open before them. I believe that to be the Fact, especially among the more ignorant Classes.

And is that never done in Courts of Justice?

I remember it once being sought to be done in a Case in which I was myself engaged; and there the Chief Rabbi or Archbishop of the Jews was taken to the Old Bailey. There was a Woman as a Witness, who, there was every Reason to suppose, was come to perjure herself, and he was requested to administer the Oath, and to open the Pentateuch before her; but I suppose he thought it a Slur on his Nation, and refused to do so; and the Consequence was,

C. Phillips, Esq.

was, that the Witness was turned out of the Witness Box for gross Prevarication in a very short Time.

Do you find less Disregard to Oaths among the lower Classes of the Roman Catholics than among the Protestants in this Country?

I cannot say I see any Distinction. At all events the Committee must be aware that in so populous a Place as London it is utterly impossible that I could know the Religion of the Parties; in general we have a great many Roman Catholics at the Criminal Court, — Irish Catholics; but it is only fair to them to say that I have not observed any Distinction.

The Witness is directed to withdraw.

J. Shephard, Esq.

JOHN SHEPHARD Esquire is called in, and further examined as follows:

In your Opinion, are there any Oaths that might be safely dispensed with?

There are, or modified.

Will you have the goodness to state them?

One is the Oath taken by Executors and Administrators. I think that might be advantageously shortened. The Oath of the Executors at present is to this Effect: that the Paper Writing produced is the last Will and Testament of the Party deceased; that the Party appearing before the Surrogate is the Executor, and that he will faithfully discharge his Trust by Payment of the Debts and Legacies as far as the Effects will go, and the Law charge him; that he will exhibit a true and perfect Inventory, and render a just Account of his Executorship whenever the Law may so require; that he believes the whole Personal Estate and Effects of the Deceased do not amount to a certain Sum, and that the Deceased died on or about such a Date. I should submit that that Oath might be advantageously abridged by leaving out that Portion of it which relates to the Inventory and rendering the Account, as they are Matters which are not practically done unless called on by any Party who is interested, and then they are bound by Law to do it.

You would not exclude from that Oath the Part of it which relates to the Amount of the Property?

Certainly not. I would submit the Oath might be confined merely to the Particulars of the Paper produced being the last Will to the best of the Belief of the Party appearing, that the Property is under such an Amount, and that he will to the best of his Ability discharge his Duty as Executor.

And that he is the Executor?

And that he is the Executor.

An Administrator swears to the Degree of Relationship he bears to the Deceased?

Yes.

And that is necessary?

I should apprehend that that is advisable. The other Oath, with regard to which I would suggest an Alteration, is in Suits depending in Doctors Commons. Where a Party is condemned in Costs the Proctor on behalf of the other Party prepares his Bill of Costs; it is taken before the Registrar of the Court, who strikes out such Portions of it as he may think the other Party not justly liable to. The Proctor then has to attend in Court before the Judge, to produce this Bill, and swear that he has expended, or necessarily must expend, the Sum taxed. I think in that Case the Proctor being so entirely under the Government of the Court, and also the Registrar having looked through the Bill, and knowing that the Business has been done, that the Oath might be dispensed with. The other that has suggested itself is, where a Party is pronounced in Contempt for not having done any Act in a Suit depending before the Ecclesiastical Courts; before he can proceed in that Suit, although he expresses himself ready to do so, he is obliged to take the Oath of Absolution, that he will in future be obedient to the Commands of his Ordinary; and I particularly know one Case in which that was attended with the Inconvenience

that

that the Party refused to take that Oath, and remained in Prison till the Time of his Death. *J. Shephard, Esq.*

You do not think it a necessary Oath?
Certainly I do not consider it a necessary Oath.

Can you furnish this Committee with the Form the Bishop signs to enable a Gentleman to act as his Proxy for the Purpose of being installed?
Yes.

The Witness is directed to furnish the Form to the Committee.

The Witness is directed to withdraw.

The following Letters are read:

My Lord, London, 22d May 1837.

As Chairman of a Select Committee now sitting upon the Subject of Oaths, I am anxious to call your Lordship's Attention to the enclosed Letter from Mr. Fletcher, a Surveyor in the Post Office Department, which was transmitted to the Committee by Order of your Lordship.

The Committee are desirous to know if your Lordship concurs in the View which has been taken by Mr. Fletcher, or whether in your Opinion the Declaration which has been substituted for the Oath of Office, and the Power which the Postmaster General not only possesses, but frequently exercises, of dismissing Letter Carriers and Post Drivers who may be negligent in the Performance of their Duties, is not a sufficient Security to the Public, and to the Department over which your Lordship presides.

The Committee will be much obliged to your Lordship to inform them if you have found any Inconvenience to arise from the Substitution of Declarations in lieu of Oaths in any Part of the Post Office Service.

I have the Honour to be,
My Lord,
Your Lordship's obedient Servant,
(Signed) RICHMOND.

The Earl of Lichfield,
Postmaster General.

My Lord, General Post Office, 1st June 1837.

In reply to your Grace's Letter of the 22d of May, I beg to state that I have not found any Inconvenience to arise from the Substitution of Declarations in lieu of Oaths in any Branch of the Post Office Service. I do not at all concur in the View taken by Mr. Fletcher, nor do I think that he is borne out in it himself by Facts; for, upon calling upon him to state any Instances which had induced him to form such an Opinion upon the Subject, it does not appear that any Circumstances have come to his Knowledge since the Oath was abolished to induce me to conclude that the Substitution of the Declaration has had an injurious Effect; and my Opinion is, that the Power which the Postmaster General possesses of dismissing Letter Carriers and Post Drivers for Misconduct is a sufficient Security to the Public and this Department.

I have the Honour to be,
My Lord,
Your Lordship's obedient Servant,
LICHFIELD,
Postmaster General.

His Grace the Duke of Richmond.

JOHN ADOLPHUS Esquire is called in, and examined as follows: *J. Adolphus, Esq.*

You are a Barrister in considerable Practice in the Criminal Courts in this Metropolis?
I have been a Barrister for Thirty Years, and for Twenty Years before I was called to the Bar I was acquainted with the Practice and Proceedings in Courts

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of Law. Since I have been at the Bar I have had considerable Practice in the Courts of Law, in the Criminal Courts in the Metropolis, and also on the Circuit.

In your Opinion, are Oaths administered in the Criminal Courts of this Country with due Solemnity?

I think they are not administered with due Solemnity in this respect, that the Form in which the Oath is administered to a Witness is one in which the Court in the first instance gives a Command, and then adds to it an Implication, which the Witness, if he is evilly disposed, may fence with, and say to himself, "I am obliged to acquiesce in this, but I do not adopt it." The Form of the Oath is this: "The Evidence you shall give between our Sovereign Lord the King and the Prisoner at the Bar shall be the Truth, the whole Truth, and nothing but the Truth. So help you God." The Witness, if he is an evil-minded Man, may not consider that he adopts the Oath. I should think it would be much better if the Witness were obliged to repeat the Words of the Oath himself, and say, "I swear that the Evidence I shall now give shall be the Truth," and so on. I think that would be much more impressive than the Oath as it is now administered.

Do you think it would be of Benefit that the Oaths in the Criminal Courts of this Country should be administered as they are in Scotland, by the Judge or the Chairman of the Court?

I apprehend not, if the Officer of the Court administers it with proper Solemnity. I have seen many Officers of the Court administer the Oath with fully as much Effect as a Judge could. If the Witness does not kiss the Book, for instance, or if he betrays any Sort of Irreverence, the Judge can much better reprehend him than if he were to interrupt his own Administration of the Oath, to make an Observation while administering it.

Are not many Oaths, for instance, Oaths taken by Witnesses going before Grand Juries, taken while the Court is occupied upon other Business?

Very often.

Then in such Cases it must be left entirely to the Officers of the Court?

I believe so. The Examination of Witnesses before a Grand Jury is only ex parte; they are subject to no Cross-examination; but when they come afterwards to be examined and cross-examined on the Trial before a Jury it is quite a different Matter.

But in the Case of Persons who are called on to make an ex-parte Statement, without the Party who is charged having an Opportunity of knowing what is said against him, is it not of great Importance that the Witnesses who are examined should feel the Solemnity and Obligation of an Oath?

It is no Doubt of the very greatest Importance; and it is a great Cruelty, in my Opinion, to put a Man on his Trial on a loose, slight, or untrue Allegation made in his Absence, even though the Inapplicability or Falsehood of it may be detected afterwards by Cross-examination in Court.

Are you of opinion that in Courts of Criminal Justice in this Country it is expedient to continue the Administration of Oaths, and not to substitute Declarations in lieu of them?

I am clearly of opinion that no Man, and I say it without Exception, ought to be heard in a Court of Criminal Justice except upon his Oath, The Importance of the Inquiry demands that a Witness should be most solemnly bound to speak the Truth. My Experience teaches me to say, that in other Matters a Man will often say a Thousand Things when he is not upon Oath which he would not dare to repeat if his Statement were made under that Obligation. I remember its being said to me by Mr. Perceval, "What would become of all the Nonsuits if Witnesses, when they come to be examined in Court, were to say the same thing as they said to the Attorney before the Trial?"

Does your Remark apply also to Courts of Petty Sessions held by Magistrates?

Yes, where a Criminal Matter is to be inquired into.

Are

J. Adolphus, Esq.

Are you of opinion that promissory Oaths and voluntary Affidavits ought to be legalized?

I can hardly give an Opinion upon the Subject of promissory Oaths, for they apply to so many Matters, such, for instance, as Oaths taken by Commissioners under particular Revenue Acts that they will administer faithfully, and not disclose, and so on; they cannot be indicted for Perjury if they break that Oath; at the same Time I cannot say the Oath ought to be dispensed with or abolished. With respect to voluntary Affidavits there have been very few known. If the Word "voluntary" is to be taken strictly it would apply to a vast Number of Affidavits; for instance, if One Man wants to arrest another, and hold him to Bail, he cannot deprive him of his Liberty without first swearing an Affidavit that the Debt is justly due. I cannot call that a voluntary Affidavit, as he cannot take the Step without making it. So, if I am robbed of my Property, and have Reason to believe it is concealed in the House of another, I must make Oath before the Magistrate previous to his Warrant issuing; and that Oath, again, I cannot consider voluntary.

But the Oaths of which you have spoken are not usually termed voluntary?

No; I was about to distinguish. If the Word "voluntary" were applied in that extensive Sense I think it would go too far. But there are other Oaths which are taken; for instance, in order to entitle People to receive Half Pay or Military Pensions, in the Absence of the Parties, some one is obliged to swear that the Parties are alive; and so on.

Are you aware that Declarations have been substituted in lieu of Oaths in all these Cases?

No, I was not.

You have no Doubt frequently seen Persons come forward to swear as Bail?

Yes, often.

Are you of opinion that those Persons frequently perjure themselves?

Yes, very often, indeed.

Is it not in fact a Trade?

I believe not now. A Mistake prevails upon that Subject. It is a Trade to go before a Judge and put in Bail. No Man can go into Serjeants Inn without having Cards thrust into his Hands to say that A. and B. of such a Place will be Bail to any Amount; but he swears to nothing then. In former Times, when the Arrest was as low as 10*l.*, the Crowds of Persons going to put in Bail at the Return of the Writ, to save the Sheriff, was immense. No Man of Credit or worth 50*l.* would put himself into the Mob at the Judges Doors in those Times. At the same Time these Men were very convenient; they were put in as Bail in the first instance, the Attorney objected to them, then good Bail were put in, with a Notice of Justification, and in general they were good Bail; but at the same Time I am of opinion that many of them were perjured. Many a Man swears by his Hopes or Expectations, and many a Man without one or the other, to Property which he does not possess.

Is not Bail in Criminal Cases now frequently taken before Judges at Chambers?

That is when a Bench Warrant issues from the Judges, or when the Bill is removed. If a Bill of Indictment were found against me at the Sessions I could go before a Magistrate and put in Bail, and be set free.

Do you not think that greater Solemnity might be attached to the taking of an Oath by an Improvement of the Mode in which they are administered?

I believe I expressed my Notion on that Subject when I said that if the Witness repeated the Words of the Oath it would in my Opinion give it additional Solemnity.

But might not more Solemnity be attached to it by an Improvement in the Manner in which it is administered?

It would depend a good deal on the Powers of the individual Man. I remember One Man, in Lord Chief Baron Macdonnell's Time, who used to swear the Witnesses in a most exemplary Manner. In general they are very

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well sworn, though I have sometimes heard Oaths gabbled over in a most shameful Way. In the Abstract, I would say, that I do not know how any thing could be more solemn than a Man laying his Hand on the Gospel, and invoking God to witness that what he shall state shall be the Truth.

Have you ever seen Grand Jurors sworn in Court?

Yes. In general it is the Etiquette on the Circuit for the Bar not to go into Court while the Judge is delivering his Charge to the Grand Jury; but I have seen Grand Jurors sworn sometimes at Clerkenwell.

You have not had much Experience in such Cases?

No; I have seen the Oath administered in some Cases. In my Opinion it is not a very effectual one; the Foreman of the Jury takes an Oath that he will present nothing through Favour and Affection, and so on, and the other Grand Jurors are then called on to say, that the same Oath that their Foreman has taken they and each of them will perform on their Parts. I think that is a very slight Way of administering an Oath.

Are you aware that in Scotland a Person called on to take an Oath is obliged to hold up his Right Hand?

Yes.

Do you think that a Circumstance of that Kind, drawing the Attention of the Court upon him, adds any thing to the Solemnity?

No; I do not see how any thing of that Kind could add to the Solemnity of the Oath. I do not know how it could be made more solemn than a Man laying his Hand on the Gospel, and swearing that what he shall state shall be the Truth. I cannot imagine that protruding the Arm into the Air can have any Effect.

Do you think that sufficient Inquiry is made as to whether the Persons taking the Oath really do believe in the Obligation which it imposes; for instance, it is supposed that Jews do not pay the same Attention to the Oath that is administered in our Courts of Justice as they would if it were administered in a different Form; are you aware of that?

No; I remember that a Jew once, a Party in a Cause, when a Witness was about to be examined, said to me, "Now, when he swears make him swear on that Chapter of the Pentateuch, and it will have more Effect upon him." I do not know whether that was a captious Objection, to distress the Witness, or not, or whether there was any Foundation for it. I believe that in point of fact the Jews give their Evidence with as much Fairness as other People.

Do the Roman Catholics in London swear upon the Cross?

I never knew them make that Distinction.

Are you aware that in Ireland they are generally sworn upon the Cross?

I have heard so, and I know that at the Police Offices here they generally have a Cross scored on the Binding of the Testament, in order that Papists may be sworn upon it; but whether it is any Article of their Religion, or whether they think that the Absence of that Figure would make the Oath not binding, I do not know.

Is there any other Observation you wish to make to the Committee?

I humbly conceive that much of the Perjury which is committed in Courts is favoured by the Difficulty of a Prosecution by Indictment for Perjury; and if I might humbly make a Suggestion to the Committee I would say that in all Cases where there is a Trial before a Jury, and it appears to the Judge a proper Subject for Inquiry, he might, without Speech from Counsel, and without any Interruption to his Direction being allowed, put it to the Jury whether or not they believe the Witness has been guilty of wilful and corrupt Perjury; and if the Jury pronounce that he has been guilty of Perjury the Judge might have the Power to commit him to the Prison or to the House of Correction for any Time not exceeding Six Calendar Months, with such an Addition of hard Labour as he might judge necessary.

Would that be fair towards the Witness, who would not have an Opportunity of being heard in his own Defence?

The Witness would have had the Benefit of his Examination in Chief, his

Cross-examination, and his Re-examination, and it must be presumed that the Judge would not put such a Question to the Jury unless it quite manifestly appeared that wilful and corrupt Perjury was to be imputed to him. I think that if such a Power were vested in the Judges it would have a very beneficial Effect, and I have often heard Judges lament that they do not possess it. *J. Adolphus, Esq.*

Would you extend the Principle so far as to allow the Jury to make that Suggestion?

No; I would have them most carefully prevented from doing so. It should only be in such Cases as struck the Judge to call for it. I would not allow the Jury to make the Suggestion, nor would I allow the Counsel, either in their Speeches or in Cross-examination, to remind the Witnesses that such might be the Result of the Trial. If the Power remained with the Judge he would only exercise it in gross and flagrant Cases.

Would you propose to vest this Power in any one below the Rank of Judge?

I would apply the Principle to all Cases where there is a Jury.

To Courts of Quarter Sessions?

Yes; I think the Chairman of a Court of Quarter Sessions might very properly be intrusted with such a Power. With respect to Indictments for Perjury, I would remind the Committee of this Fact,—if a Man commits Perjury at the Summer Assizes 1837, after the Grand Jury is discharged, a Bill of Indictment cannot be preferred before the Spring Assizes following, and he cannot be tried until the ensuing Summer Assizes. In the meantime the Witnesses are gone, the Prosecutor is impoverished, or the Matter has lapsed into one of total Indifference, and no Prosecution takes place.

The Witness is directed to withdraw.

The following Letter is put in, and read, and is as follows:

Sir, Bishop of London's Registry, 8th June 1837.

I herewith beg to send you the Form of the Instrument signed by a Bishop on his appointing a Proctor to be installed in his Stead, and which is referred to in the Evidence given by me before the Select Committee on Oaths on Tuesday last, the 6th Instant. I find that I am unable to procure the like Form on the Enthronization of an Archbishop.

I have the Honour to be,
Sir,
Your most obedient Servant,
JOHN SHEPHARD.

W. Rose, Esq.
House of Lords.

Be it known to all Men by these Presents, That we, John, by Divine Permission elected and confirmed Bishop of the Cathedral Church of Saint Paul, London, have named, ordained, made, and appointed, and do by these Presents make, ordain, and appoint, our beloved in Christ One of the Prebendaries of the Cathedral Church of Saint Paul, London, and Archdeacon of Middlesex, jointly and severally to be our true, lawful, and undoubted Procurators, Agents, Managers, and Transactors of our Affairs and Business, and our Messengers, both special and general, for all and singular the Purposes herein written: And we do give and grant unto our said Procurators, jointly and severally, a general Power, and also Authority, as well general as special, to appear for us, and in our Name, Place, and Stead, before the Reverend the Dean and Chapter of the said Cathedral Church of Saint Paul, London, or before their Vicegerent or Vicegerents, Deputy or Deputies, or other Person or Persons whomsoever unto whom the Execution of the Matters herein written by the ancient Usage and laudable Custom of the said Cathedral Church may appertain, and to excuse us from personal Appearance in this Behalf, and to allege and propound the Reason and Reasons of our Absence, and, if need shall require, to prove the same, and to require, pray, and procure us to be inducted, installed, and enthroned into the real, actual, and corporal Possession of the Episcopal See of London, with all and singular the Rights, Dignities, Honours, Privileges, and Appurtenances thereunto appertaining, agreeable and according to the laudable and approved Usage, Statutes, Ordinances, and Customs of the said Cathedral Church of London, with the Plenitude of Right of the Bishopric of London, and to require, pray, and procure the Chair and Stall or Episcopal Seat in the Choir of the said Church usually assigned and allotted to the Bishop thereof for the Time being to be, as shall seem most expedient, assigned and allotted to us, and to obtain and procure such real, actual, and corporal Possession, Induction, Installation, and Enthronization in our Name, Place, and Stead; and, when so obtained and procured, to retain and keep the same for our Use and Benefit, and the same to maintain and defend

by all lawful Ways and Means whatsoever. Moreover, to make and undergo, and take, for us and in our Stead, all and every lawful and usual Oath by the Statutes and Ordinances of the said Cathedral Church in anywise requisite and necessary to be taken in this Behalf, so far as the aforesaid Ordinances, Statutes, and Customs are not repugnant or contrary to the Word of God, and to the Laws and Statutes of this Realm; and also, for us, and in our Place and Stead, to receive, accept, and admit the Oath of Obedience, and any other lawful and usual Oath required by the Ordinances, Statutes, and Provisions of the said Church in manner aforesaid accustomed and used to be taken by the Dean and Chapter and other Officers and Ministers whomsoever of the said Church, or any of them, to the Bishop thereof for the Time being; and generally to do, execute, and expedite all and singular Acts, Matters, and Things necessary or in anywise requisite to be done in or about the Premises, although the same may require a more special Power than is herein expressed: And we promise to ratify, allow, and always hold firm and stable all and whatsoever our said Procurators jointly and severally shall lawfully do in the Premises. In testimony whereof we have caused our Episcopal Seal to be hereunto affixed, and have subscribed the same this Day of in the Year of our Lord .

Seal.

Sealed and delivered (being first duly stamped) in the Presence of }

Ordered, That this Committee be adjourned to Saturday the 24th Instant, One o'Clock.

Die Sabbati, 24° Junii 1837.

The Duke of RICHMOND in the Chair.

Evidence on the Substitution of a Declaration in lieu of Oaths.

The following Letters are delivered in by the Lord in the Chair, and are read:

My Lord Duke, General Post Office, 13th June 1837.

By Command of the Postmaster General I have the Honour to send your Grace Copies of the Reports of Sir Edward Lees and the Surveyors in Scotland respecting the Declaration substituted for the Oath of Office.

The Secretary and Surveyors in Ireland have been called on for their Reports, and Copies will be sent to your Grace as soon as they are received.

I have the Honour to be, my Lord Duke,
Your Grace's very faithful obliged humble Servant,
M. W. PEACOCK, Solicitor.

Sir, General Post Office, Edinburgh, 30th May 1837.

I have obtained and now beg to transmit the Opinions of the Scotch Surveyors as to whether any injurious Effect has in any Instance arisen from the Substitution of the Affirmation for the Oath of Office, and both of them state that they are not aware of any bad Effects having resulted from the Change; and I beg to add the same Opinion from myself, no Case having come to my Knowledge of its having been attended with injurious Consequences.

I am, &c.
E. S. LEES, Secretary.

Lieutenant Colonel Maberly,
&c. &c. &c.

Sir, Elgin, 25th May 1837.

I beg to state that I consider an Affirmation instead of an Oath to be rather an Improvement on taking an Office. All Public Offices in this Country use too many Oaths; People get so familiar with Oaths that they think nothing of them. A Custom House Oath is quite proverbial as meaning nothing. Oaths in Judicial Proceedings may be quite necessary, but I do not think that taking God to witness a Twopenny-halfpenny Matter is at all right or decent. This has been long my Opinion.

I have, &c.
JAMES SHEARER.

Sir E. S. Lees,
&c. &c. &c.

Sir, Glasgow, 29th May 1837.

I beg to state, in reply to your Circular of the 22d (received Yesterday), that I am not aware of the Substitution of the Affirmation for the Oath of Office having been attended with injurious Effects to the Department or to the Public in any Instance.

I am, &c.
C. F. REEVES.

Sir E. S. Lees,
&c. &c. &c.

WILLIAM KNIGHT DEHANY Esquire is called in, and further examined as follows: *W. K. Dehany, Esq.*

Have you got the Return the Committee requested you to prepare?
I have; I believe this is the Return that your Lordships desired to have.

W. K. Dehany, Esq.

The Return is delivered in, and read, and is as follows:

A RETURN of the NUMBER of DECLARATIONS made, in Cases in which previously to the passing of the Acts 1 & 2 W. 4. c. 4. and 5 & 6 W. 4. c. 62. Oaths would have been required, within the Year ended 5th January 1837, divided into the several Incidents or Heads in respect of which the Declarations have been made (so far as relates to the Excise Department).

	Number of Declarations made in			
	England.	Scotland.	Ireland.	The United Kingdom.
By Auctioneers, as to the Truth of their Accounts of Sales by Auction	19,493	2,427	1,611	23,531
— Excise Traders, as to the Truth of the Quantities of Goods charged	32,960	4,668	520	38,148
— Exporters, on claiming Drawback for Goods exported, as to the Duty charged upon the Goods having been paid or secured, and that no Drawback has been before received thereon; also as to the Goods having been really and bonâ fide exported to Foreign Parts, and that they have not been relanded	15,594	199	96	15,889
— Claimants for Allowances of the Duty on Soap used in Manufactures, as to the Truth of the Account of the Quantity so used	1,744	293	- -	2,037
— Claimants for Allowances of the Duty on Paper used in Hot-pressing, as to the Truth of the Account of the Quantity so used	188	1	- -	189
— Persons receiving Pensions, Half Pay, &c., as to their being the Party entitled to the same	23,989	16,391	4,811	45,191
— Masters of Vessels bound to Foreign Parts, on receiving Spirits for Ships Stores, that the same are intended to be consumed on the Voyage, and are not exported as Merchandize	- -	- -	11	11
— Bridewell Keepers, that the Sums claimed for the Subsistence, &c. of Prisoners confined at the Suit of the Revenue have been duly expended	- -	- -	108	108
— Inspectors of Prisons, that the Sums claimed for Articles of Clothing, &c. supplied to Convicts have been duly expended thereon, and that no Profit has been made by them in the Purchase of any Part thereof	- -	- -	30	30
Totals	93,968	23,979	7,187	125,134

Excise Office, London, 19th June 1837.

It appears then by this Return that 125,134 Declarations have been made in the Year in the Excise Department where formerly 125,134 Oaths would have been required?

Precisely; the Year ending the 5th January 1837.

Have you experienced any Inconvenience from the Change?

None that I am aware of.

Every thing is on Oath when the Commissioners sit as a Court of Justice?

Every thing is on Oath; they sit then as Magistrates, or rather as the Substitutes for Magistrates. The first Part of the Return was under the first Act, and the latter under the Act of last Year; it just divides under the Head of "Exportation." The Oath under the first Part of that Return was under the First and Second of William the Fourth; all the Remainder come under the Act of last Session and the Treasury Orders in consequence.

The Witness is directed to withdraw.

GEORGE GUILLONNEAU Esquire is called in, and examined as follows: *G. Guillonneau, Esq.*

You are a Notary Public?
Yes.

The Committee understand that you wish to make a Representation to them respecting an Act of Parliament which passed in 1835 for the Substitution of Declarations in certain Cases in lieu of Oaths?

It was in consequence of a Letter which was shown to me by a Solicitor for whom I had acted as a Notary.

Will you read the Letter you allude to?

The Letter is dated "Spanish Town, Jamaica, 18th April 1837," and contains the Extract of a Letter which the Writer, Mr. ———, had written to a Mr. ———. The Extract is as follows:

I have this Moment received a Deed executed by ——— and others to Mr. ——— for the Purpose of barring the Entail in ———. It is unaccompanied with any Letter, but as I recognize in the Superscription that it is the Handwriting of your Clerk, I presume this must be the Deed respecting which you have had a Conversation with me at the Office of the Commissioners of Compensation, as I perceive in it a Power enabling Mr. ——— to record it. On perusing it I perceive that the subscribing Witness has only made a Declaration, in place of taking an Oath, as required by the Laws of this Island, in the proving of all Deeds. How far this Deed may be affected I am not clearly of opinion, and therefore, as Mr. ——— had forwarded to him other Deeds previously executed in the same Manner, he thought it right to prepare a Case, which is now before Mr. ——— for his Opinion. In availing myself of his Opinion it will guide us as to the recording of this Deed, which will be done with as little Delay as possible, should a Re-execution of it be unnecessary.

I accordingly wrote to Mr. ———, thinking it my Duty so to do.

Do you know Mr. ———'s Answer to the Case submitted to him?

On the very Day I received the Summons I considered it my Duty to make further Inquiry; and I have procured the Case, with the Opinion on it; which is as follows:

Herewith is laid before Counsel a Deed of Appointment and Release ——— to ———, and also a Deed of Mortgage ——— to ———, to which Counsel's Attention is particularly called, in so far only as relates to the Probate of them according to the late Act of the Imperial Parliament made and passed in the 6th Will. IV., intituled "An Act to repeal an Act of the present Session of Parliament, intituled 'An Act for the more effectual Abolition of Oaths and Affirmations taken and made in the various Departments of the State, and to substitute Declarations in lieu thereof, and for the more entire Suppression of voluntary and extra-judicial Oaths and Affidavits;' and to make Provisions for the Abolition of unnecessary Oaths."

Our Island Acts which bear upon the Subject of what constitutes the Probate of a Deed, and declares the Proof necessary to make Deeds valid and subsisting in this Country where such Deeds have been executed either in England or Abroad, are 33 C. 2. c. 12. s. 1., 24 G. 2. c. 9. s. 1., and 42 G. 3. c. 26. s. 7.

By 33 C. 2. c. 12. s. 1. the Proof and what constitutes the Proof requisite in support of a Deed is declared, and it is enacted "that a Deed in due Form of Law made and within Three Months [now Ninety Days, except in reference to Deeds forwarded from England or Abroad] after the Date thereof acknowledged by the Party or Parties that grant the same, or proved by the Oath of One sufficient Witness or more before the Governor or some One of the Judges of the Courts of this Island, and the same recorded at length in the Office of Enrolments, &c., &c.; and that no Deed herein-after made without such Acknowledgment or Proof and Enrolment shall be sufficient to pass away any Freehold or Inheritance."

By 24 G. 2. c. 9. s. 1. it is enacted, "that all Deeds, Conveyances, and Letters of Attorney whatsoever which have been or shall be hereafter executed in Great Britain, and proved by the subscribing Witness or Witnesses, or acknowledged by the Party before the Mayor or other Chief Magistrate of any City, Borough, or Town Corporate in Great Britain, and certified under the Common Seal of such City, Borough, or Town Corporate, shall be as good and effectual in the Law to all Intents and Purposes whatsoever as if such Deeds, Conveyances, or Letters of Attorney had been respectively proved by the Witness or Witnesses subscribing the same or had been acknowledged by the Party before a Judge of any Court of Common Pleas in this Island; any Law, Custom, or Usage to the contrary notwithstanding."

By 42 G. 3. c. 26. s. 7. it is enacted, "that all Conveyances, Letters of Attorney, or Deeds whatsoever which shall be hereafter executed by British Subjects in any Foreign State whatsoever, and shall be proved by the subscribing Witness or Witnesses or acknow-

G. Guillonneau, Esq.

ledged by the Party before His Majesty's Ambassador or Envoy, or before any of His Majesty's Consuls or Vice Consuls residing in such Foreign State, and certified under the Seal of such Ambassador or Envoy, Consul or Vice Consul, used in their said public Capacity, or under the Hand and private Seal of such Ambassador or Envoy, shall be and the same is hereby declared to be as good and effectual in the Law as if such Conveyances, Letters of Attorney, or Deeds had been respectively proved before a Judge of any Court of Record in this Island; any Law, Custom, or Usage to the contrary notwithstanding."

In both the above-mentioned Clauses of the Acts of 24 G. 3. c. 9. and 42 G. 3. c. 26., where the Expression "proved" is made use of, Reference must be had, in order fully to understand the Meaning of such Expression, to the before-mentioned Clause of 33 C. 2. c. 12., which clearly and distinctly defines the Meaning of "proved by the subscribing Witness" to mean "proved by the Oath of the subscribing Witness."

Now the Probate to the Deeds herewith laid before Counsel is merely a Declaration made by the subscribing Witnesses pursuant to the late Act of the Imperial Parliament, and is not a Declaration on Oath according to our Island Acts.

It being a Matter of serious Moment to the Representative in this Island of the Parties interested under the before-mentioned Deed that the Deeds should be at once ascertained to be valid and subsisting Securities, or that they should be returned to England in order to be made such by being proved according to our Island Acts, the Opinion of Counsel is requested:—

Whether the Deeds are proved according to our Island Acts, or whether it would be advisable to return them in order to be proved on the Oath of the subscribing Witness?

I am of opinion the Deeds, the Subject of this Case, are sufficiently proved. The 24 Geo. II. and the 42 Geo. III. use the Word "proved," not particularizing how or in what particular Manner, as the 33 Chas. II. does, so that such Proof as is valid by the Law of England is sufficient where the Deeds are executed in England or in a Foreign State by British Subjects. In addition to the Acts referred to above, the 34 G. 3. s. 11. relates to Probates in the United States.

(Signed) ——— ———

The Opinion you have read removes the Objection?

The Deed is recorded; but there is One Objection that seems to arise under this Opinion. The Act of 6 W. 4. c. 62. goes to repeal the Act for the more easy Recovery of Debts in His Majesty's Plantations and Colonies in America (5 G. 2. c. 7.), and then takes it up in the same Words; it is the Fifteenth Section, "from and after the Commencement of this Act in any Action or Suit," and so on, which is in the Words of the Act which is repealed; and Mr. ——— observes to me, that that appears to qualify the Case in which the Declaration is to be received, and that it does not go expressly to say that Execution of Deeds shall be recorded by Proof by Declaration in the Colonies; and if your Lordships thought proper to make any distinct Enactment on that Ground it would perhaps be desirable that it should be retrospective, as confirming many Deeds that have gone out. Your Lordships are aware of the Sort of Act passed in Trinidad expressly recognizing this Act, and making it the Law of the Island.

The following Document was then read:

Trinidad. An Ordinance enacted by the Lieutenant Governor of the Island of Trinidad, by and with the Advice and Consent of the Council of Government thereof, for making and declaring valid and effectual the Proof of Deeds and other Instruments executed out of this Colony which have been or may be proved by Declarations under an Act, intituled "An Act to repeal an Act of the present Session of Parliament, intituled 'An Act for the more effectual Abolition of Oaths and Affirmations taken and made in various Departments of the State, and to substitute Declarations in lieu thereof, and for the more entire Suppression of voluntary and extra-judicial Oaths and Affidavits;' and to make other Provisions for the Abolition of unnecessary Oaths." (L. S.) G. F. Hill.

Whereas by a certain Statute or Act of the Imperial Parliament of Great Britain and Ireland passed in the Session held in the Fifth and Sixth Years of the Reign of His present Majesty, intituled, &c. (5 & 6 W. 4.: see above) it was amongst other things enacted, that it should and might be lawful to and for any attesting Witness to the Execution of any Will or Codicil, Deed or Instrument in Writing, and to and for any other competent Person, to verify and prove the signing, sealing, Publication, or Delivery of any Will, Codicil, Deed, or Instrument in Writing by a Declaration in Writing made as in the said Statute directed: And whereas it is expedient that in all Cases in which by the Laws of this Colony it is

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required that the Execution of any such Will, Codicil, Deed, or Instrument of Writing made or executed out of this Colony should be proved by the Affidavit of One or more of the subscribing Witnesses thereto, or other competent Person, the Declaration of such subscribing Witness or other competent Person should be taken and received in the same Manner as if the Facts there declared had been proved by the Affidavit of the Party making the same:

Now therefore be it and it is hereby enacted by his Excellency the Right Honourable Sir George Fitzgerald Hill, Baronet, Colonel of the Londonderry Regiment of Militia, Lieutenant Governor and Commander in Chief in and over the said Island and its Dependencies, Vice Admiral thereof, by and with the Advice and Consent of the Council of Government thereof, That in all Cases in which by any Law, Order in Council, Ordinance, Proclamation of Government, or other Enactment or Custom in force in this Colony, it hath been or now is required for any Purpose whatsoever that the Execution of any Will, Codicil, Deed, or Instrument of Writing executed out of this Island or its Dependencies should be proved by the Affidavit of the subscribing Witness or One of the subscribing Witnesses thereto, or any other competent Person, and the Execution of such Will, Codicil, Deed, or Instrument of Writing shall have been or shall be hereafter proved by any such Declaration made by such subscribing Witness or other competent Person under the Authority of the abovesaid Statute and in the Manner and Form required, provided such Declaration shall state and contain all such Facts as would have been required to be stated in such Affidavit, every such Will, Codicil, Deed, and Instrument of Writing shall be and be held to be fully and sufficiently proved, and shall be and held to be as good, valid, and effectual in Law to and for all Intents and Purposes whatsoever as if the Execution thereof had been proved by the Affidavit of the Party by whom such Declaration was or shall be made in the Manner and Form required by the Laws in force in the said Island and its Dependencies.

II. And be it further enacted, That this Ordinance shall take effect from and immediately after the Promulgation thereof.

Passed in Council this Fifteenth Day of August One thousand eight hundred and thirty-six.

THOMAS F. JOHNSTON, Clerk of Council.

You think it expedient then that the Jamaica Assembly should pass an Act to the same Effect as the one you have read?

That would meet the Case. It appears, as regards the Execution of Deeds or any Documents to be sent out from this Country to be available abroad in the British Colonies, unless they have a distinct Reference to and are intended to be used "in any Action or Suit," they do not appear to come within the Fifteenth Section of 5 & 6 W. 4. c. 62. By a sort of inferential Supposition the Thing goes on; but looking at the recording of the Deeds, Parties feel apprehensive that they might be set aside on the Ground that this Act might not protect them. The Opinion now produced was taken with a view to guide the Officer, whether he might record the Deed under the Circumstances of the Case, without raising the Question as to the Validity of the Deed itself.

Is there any other Observation that you wish to make?

Not any.

Are you aware of any Inconvenience having arisen from the Substitution of Declarations in lieu of Oaths in certain Cases, by the Act of 1835?

None whatever.

The Witness is directed to withdraw.

Ordered, That this Committee be adjourned *sine Die*.

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APPENDIX

TO THE

MINUTES OF EVIDENCE

TAKEN BEFORE

THE SELECT COMMITTEE OF THE HOUSE OF LORDS

APPOINTED

To inquire into the Expediency of substituting a Declaration in lieu of Oaths in certain Cases.

1837

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APPENDIX.

Appendix. A.

First Report from the Select Committee of the House of Lords appointed to inquire into the Expediency of substituting Declarations in lieu of Oaths in certain Cases. 1834.

BY THE LORDS COMMITTEES appointed a Select Committee to inquire into the Expediency of Substituting a Declaration in lieu of Oaths in certain Cases; and to report to the House; and to whom Leave was also given to report from Time to Time to the House; and to whom were referred, A Return setting forth at length the Oaths accustomed to be taken on Admission to the Freedom of the City of London, and all Oaths administered by the Authority of that Corporation to their several Officers and Servants, and also Returns setting forth at length the several Oaths accustomed to be taken on Admission into any of the under-mentioned Incorporated Companies in the City of London, and all Oaths administered by such Companies to any of their Officers or Servants,—the Mercers, Grocers, Drapers, Fishmongers, Goldsmiths, Skinners, and Merchant Tailors;

ORDERED TO REPORT,

THAT the Committee, in directing their Attention to the important Subject of Oaths, as they are at present employed for the Purpose of discovering the Truth or ensuring the Performance of Duty, have been strongly impressed with a Sense of the Obligation incumbent upon the Legislature of this Country to remove from it a Reproach under which it has too long justly laboured, of a prevailing Inadvertency to the solemn and sacred Nature of Oaths, owing in part to the Forms in which they are conceived, partly to their Frequency, and partly to the Levity and Indecency with which they are too often administered. It is too obvious to need Demonstration, that the requiring of Oaths on so many trivial Occasions, especially, as has been well remarked, in fiscal Matters, and in the Qualification for petty Offices, has the Effect of making them cheap in the Minds of the People, and of diminishing the Respect which is paid to them when they are resorted to in Matters of more serious Importance. In a still greater Degree must this injurious Effect be produced where Oaths are taken by Parties who do not fully understand what it is that they swear to; and the Case is still worse where a Person swears to the Truth of that which he cannot certainly know to be true, or which he knows not to be literally and exactly true; or where he swears beforehand that he will perform certain Duties which he knows cannot be performed, or which will not be expected at his Hands. These Cases are of actual and frequent Occurrence in the Administration of Oaths to Persons admitted to the Freedom of Corporations, to Persons passing their Accounts, and to the Members of some Collegiate and Eleemosynary Foundations. The Committee cannot hesitate to lay down the Position, that Recourse ought never to be had to the Sanction of an Oath where it can safely be dispensed with; that it is not justifiably used where the Object for which it is employed is not of sufficient Importance to warrant a direct and solemn Appeal to the Deity; nor in any Case, however important, where those Objects can be equally well attained by any other Means; yet so far is it from being the Case that the Legislature of this Country has kept in view the Positions here laid down, that a large Proportion of the Acts passed in every Session direct the administering of an Oath, and in too many Cases for Purposes of the most trivial Kind.

The Committee feel it incumbent upon them to recommend that for the future this Point should be specially attended to, and that no Bill should be suffered to pass your Lordships House requiring the Administration of an Oath, except in Cases where it shall manifestly appear that the Security sought for cannot be attained by Means of a Declaration, with Penalties attached to Falsehood. "Let the Law," to use the Words of an eminent Writer, "continue its own Sanctions; but let it spare the Solemnity of an Oath. And where, for want of something better to depend upon, it is necessary to accept Men's own Word or own Account, let it annex to Prevarication Penalties proportioned to the public Mischief of the Offence."

But it is not enough to guard against the future Increase of an Evil which has long been of such Extent and Magnitude as to require the most serious Consideration and the most prompt Correction. The Legislature is undoubtedly bound, not only to forbear for the Time to come from imposing unnecessary and frivolous Oaths, but also to take Measures for the gradual Diminution and ultimate Abolition of those which, from a Want of due

Attention to the Principles laid down above, have been already imposed to an almost indefinite Extent.

At the same Time, in our Endeavours to remove an Abuse which has insinuated itself into almost all our Institutions, and which bears upon so many of our political and social Relations, it is manifestly right that we should proceed with great Caution and Deliberation. In restricting the Use of Oaths within its proper Limits, we must be careful not to remove nor weaken any real Security for the Discovery of Truth, or the Performance of public Duty. The Committee have therefore abstained from entering upon the Subject of Oaths employed in the Administration of Justice, although they are of Opinion that this Class of Oaths would admit of some Diminution in Number, and of great Improvement as to the Form in which they are conceived and the Mode in which they are too frequently administered. They have abstained also from going at large into the Question of Oaths taken on Admission to Offices and Franchises of various Kinds, although they are persuaded that, upon a careful Inquiry, but little Objection will be found, either in Principle or from past Experience, to the Abolition of by far the greater Number of those which are at present administered.

The Committee entertain the same Opinion with respect to Oaths which bind the Parties who take them to the Observance of local Statutes and Customs; but this also is a Branch of the Subject which they have deemed it prudent to reserve for future Consideration. In the meantime they are prepared to recommend the Adoption of certain Measures for diminishing the existing Evil, to which, as it appears to them, no Objection can reasonably be made, except perhaps that they are less vigorous and decided than the Magnitude of the Evil may seem to require.

The Act of 1 & 2 W. 4. c. 4. has very considerably lessened the Number of Oaths taken in the Department of Customs, by substituting a Declaration for an Oath, except in certain Cases specified in the Act. It has appeared to the Committee that in some, if not all, of the Cases so excepted a Declaration or satisfactory Proof would be sufficient; but the Evidence on this Point was not so conclusive as to produce an entire Unanimity of Opinion in those who heard it. It will be seen that there exists also a considerable Difference of Opinion between the Witnesses who gave Evidence as to the Safety and Expediency of dispensing with the Oaths which are taken by Persons receiving Pay or Pensions for Services in the Army or Navy. The Committee think it highly desirable that the Oaths which are not considered to be necessary in one Branch of the Service should, if possible, be dispensed with in the other. But they have deemed it on the whole most prudent, with respect both to these and to other Public Departments, to content themselves with recommending, in the first instance, that Authority should be given to the Lords of His Majesty's Treasury to dispense with Oaths in all Cases where it may appear to them that it can be done without Prejudice to the Public Interests. An Opportunity will thus be afforded of ascertaining, by actual Experiment, how far it will be safe to proceed, and of mitigating the existing Evil Step by Step.

With the same view, looking to the Difficulty and Hazard of interfering by any legislative Measure with the Statutes and Customs of Corporate and Collegiate Bodies, the Committee are inclined to recommend that a general Permission be given to all such Bodies to substitute, at their own Discretion, Declarations or Affirmations in place of the Oaths now required by their own Charters or Statutes respectively, and to alter the Subject Matter of such Oaths so as may be requisite to obviate the Necessity of calling upon any Person to affirm that which is not literally and strictly true, or to promise that which he will not be able to perform.

Many of the Oaths taken before Magistrates in Quarter or Petty Sessions might, as it appears to the Committee, be very well dispensed with; but as some of these may be thought to come within the Description of Judicial Oaths, they have forborne at present from making them the Subject of particular Inquiry.

They are, however, prepared to express a decided Opinion, that neither on these Occasions nor on any other ought Accounts of Receipts and Expenditure to be verified upon Oath, because, if they are properly kept, they admit of a much more satisfactory and less objectionable Proof by Examination and Comparison with Vouchers.

Although the Committee have for the present abstained from considering the numerous Class of Oaths which are required of Persons entering upon an Office or Franchise, yet there is One of that Description which seems to demand immediate Alteration. Churchwardens are now compelled upon entering into Office to swear that they will faithfully perform all its Duties according to Law; and yet it is perfectly well known that some of these Duties are such as it is not possible for them to discharge in the present State of Society, without the most serious Inconvenience. Accordingly, they are not only not expected to observe their Oath in these Particulars, but they are sometimes expressly cautioned not to do so, and the Consequence is, that little or no Respect is in too many Cases paid to the Obligation of their Oath in other Branches of their official Duty which are essentially important and easy of Performance. The Committee recommend that a Declaration, properly drawn up with reference to the actual State and Practice of the Ecclesiastical Law, should be substituted for the Oath now taken by Churchwardens.

The Committee deem it incumbent upon them to direct your Lordships particular Attention to the Evidence given by Mr. Hobler, the Lord Mayor's Clerk, from which it appears that a Practice has prevailed among the City Magistrates of administering what are termed Voluntary Affidavits, sometimes (though less frequently now than formerly) respecting

Matters

Matters of the most trivial Kind. This Practice, which prevails also in other Parts of the Kingdom as well as in London, it appears is not yet discontinued, although it has been repeatedly declared to be illegal by the highest Law Authorities. The Impropriety and Inexpediency of leaving the Occasion of administering an Oath to the Discretion of a Magistrate are so manifest, that the Committee cannot hesitate to recommend that the Practice should be positively prohibited, and that a Penalty should be laid upon every Person who shall administer or take any Oath not warranted by Law.

Before the Committee proceed to recapitulate the Points to which they confine their Recommendations in this First Report, they cannot forbear from observing that in those Cases where it may be deemed necessary to retain the Use of Oaths Care should be taken to avoid their needless Repetition. This will be a fit Subject for future Inquiry and Deliberation, should your Lordships, as it is hoped will be the Case, resume the Consideration of this important Question in the next Session of Parliament.

Another Evil, which cries loudly for Reform, is the indecent Mode of administering Oaths, and the consequent Want of Reverence in taking them, which too often disgrace our Courts of Justice. Although the Committee have not yet gone into Evidence upon this Point they do not scruple to advert to it, as being too notorious to be denied; and they cannot help expressing a Hope, that some Remedy for this Evil will be devised by those learned and venerable Persons under whose Cognizance it more immediately falls, and who are most competent to deal with it.

Upon the whole the Committee are prepared to close this their First Report with the following Recommendations:

1. That the Lords of the Treasury be empowered to authorize and direct the Substitution of a Declaration in lieu of an Oath, if they shall think fit, in all Cases, not being of a Judicial Nature, relating to any of the Public Departments.
2. That the same Power be given to the Universities, to all Corporations, and Chartered Bodies.
3. That no Accounts should be required to be verified by Oath.
4. That a Declaration be substituted for the Oath now taken by Churchwardens, according to a Form to be settled by the Dean of the Arches and the King's Advocate General.
5. That the Penalties which are now by Law attached to Perjury shall attach to wilful Falsehood in the Case of false Declarations or Affirmations substituted for Oaths.
6. That all Persons administering or taking any Oath not warranted by Law be subject to a Penalty.

And the Committee have directed that the Evidence taken before them, with an Appendix and Index thereto, be laid before your Lordships.

Appendix B.

Appendix B.

Minutes of Evidence before Select Committee in 1835.

MINUTES of EVIDENCE taken before the SELECT COMMITTEE of the HOUSE of LORDS appointed to inquire into the EXPEDIENCY of substituting DECLARATIONS in lieu of OATHS in certain Cases; and to report from Time to Time to the House; together with an Appendix thereto. 1835.

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James Freshfield, Esquire - - - p. 86

Die Martis, 7° *Julii* 1835.

The Duke of RICHMOND in the Chair.

W. Duff, Esq. *G. Guillonneau, Esq.* and *J. Comerford, Esq.*

WILLIAM DUFF Esq., GEORGE GUILLONNEAU Esq., and JAMES COMERFORD Esq., are called in, and examined as follows:

You are Notaries Public?

Yes.

Have you felt that Inconvenience will arise to your Profession unless an Act, called an Act for the Abolition of unnecessary Oaths, is altered?

We have.

State generally the Grounds upon which you found that Opinion?

The Objection is, that the Act for the Abolition of Oaths authorizes Magistrates to take Declarations in certain Cases,—official Cases generally speaking.

What are those Cases?

Such as Gentlemen taking Office, and so on; it authorizes Declarations to be taken. These are the Affidavits:

> " Lords of the Treasury empowered to substitute Declaration for Oath, &c. in " certain Cases."

The Magistrates are restricted from taking Affidavits except in certain Cases of Inquiry before them, and also such as come within their Cognizance under the same Act of Parliament. It is that last Restriction that we find so inconvenient. By the Act of the Fifth of George the Second, and another of the Fifty-fourth George the Third, Affidavits are allowed to be made before Magistrates and to be received in Evidence in Foreign Courts in His Majesty's Plantations in America and in New South Wales. These are the Acts which I beg to be permitted to hand in:

(5 Georgii II. Cap. 7.) " An Act for the more easy Recovery of Debts in His Majesty's Plantations and Colonies in America.—Whereas His Majesty's Subjects trading to the British Plantations in America lie under great Difficulties for Want of more easy Methods of proving, recovering, and levying Debts due to them than are now used in some of the said Plantations: And whereas it will tend very much to the retrieving of the Credit formerly given by the Trading Subjects of Great Britain to the Natives and Inhabitants of the said Plantations, and to the advancing of the Trade of this Kingdom thither, if such Inconveniences were remedied: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the Twenty-ninth Day of September which shall be in the Year of our Lord One thousand seven hundred and thirty-two, in any Action or Suit then depending or thereafter to be brought in any Court of Law or Equity in any of the said Plantations for or relating to any Debt or Account wherein any Person residing in Great Britain shall be a Party, it shall and may be lawful to and for the Plaintiff or Defendant, and also to and for any Witness to be examined or made use of in such Action or Suit, to verify or prove any Matter or Thing by Affidavit or Affidavits in Writing upon Oath, or in case the Person making such Affidavit be one of the People called Quakers, then upon his or her solemn Affirmation made, before any Mayor or other Chief Magistrate of the City, Borough, or Town Corporate in Great Britain where or near to which the Person making such Affidavit or Affirmation shall reside, and certified and transmitted under the Common Seal of such City, Borough, or Town Corporate, or the Seal of the Office of such Mayor or other

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Chief Magistrate; which Oath or solemn Affirmation every such Mayor and Chief Magistrate shall be and is hereby authorized and empowered to administer; and every Affidavit or Affirmation so made, certified, and transmitted shall, in such Actions and Suits, be allowed to be of the same Force and Effect as if the Person or Persons making the same upon Oath or solemn Affirmation as aforesaid had appeared and sworn or affirmed the Matters contained in the said Affidavit or Affirmation vivâ voce in open Court, or upon a Commission issued for the Examination of Witnesses or of any Party in any such Action or Suit respectively; provided that in every such Affidavit and Affirmation there shall be expressed the Addition of the Party making such Affidavit or Affirmation, and the particular Place of his or her Abode.

" II. And be it further enacted by the Authority aforesaid, That in all Suits now depending or hereafter to be brought in any Court of Law or Equity by or in behalf of His Majesty, His Heirs and Successors, in any of the said Plantations, for or relating to any Debt or Account, that His Majesty, His Heirs and Successors, shall and may prove His and Their Debts and Accounts, and examine His or Their Witness or Witnesses, by Affidavit or Affirmation, in like Manner as any Subject or Subjects is or are empowered or may do by this present Act.

" III. Provided always, and it is hereby further enacted, That if any Person making such Affidavit upon Oath or solemn Affirmation shall be guilty of falsely and wilfully swearing or affirming any Matter or Thing in such Affidavit or Affirmation which, if the same had been sworn upon an Examination in the usual Form, would have amounted to wilful and corrupt Perjury, every Person so offending, being thereof lawfully convicted, shall incur the same Penalties and Forfeitures as by the Laws and Statutes of this Realm are provided against Persons convicted of wilful and corrupt Perjury.

" IV. And be it further enacted by the Authority aforesaid, That from and after the said Twenty-ninth Day of September One thousand seven hundred and thirty-two the Houses, Lands, Negroes, and other Hereditaments and Real Estates, situate or being within any of the said Plantations, belonging to any Person indebted, shall be liable to and chargeable with all just Debts, Duties, and Demands of what Nature or Kind soever owing by any such Person to His Majesty or any of His Majesty's Subjects, and shall and may be Assets for the Satisfaction thereof in like Manner as Real Estates are by the Law of England liable to the Satisfaction of Debts due by Bond or other Specialty, and shall be subject to the like Remedies, Proceedings, and Process in any Court of Law or Equity in any of the said Plantations respectively, for seizing, extending, selling, or disposing of any such Houses, Lands, Negroes, and other Hereditaments, and Real Estates, towards the Satisfaction of such Debts, Duties, and Demands, and in like Manner as Personal Estates in any of the said Plantations respectively were seized, extended, sold, or disposed of for the Satisfaction of Debts."

(54 Georgii III. Cap. 15.) " An Act for the more easy Recovery of Debts in His Majesty's Colony of New South Wales.—Whereas His Majesty's Subjects trading to and residing in the Colony of New South Wales and its Dependencies lie under great Difficulties for Want of more easy Methods of proving, recovering, and levying of Debts due to them within the said Colony: And whereas it is expedient those Difficulties should be removed: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the Twenty-fifth Day of June One thousand eight hundred and fourteen, in any Suit or Action then depending or hereafter to be brought in any Court of Law or Equity within the said Colony of New South Wales or its Dependencies, for or relating to any Debt or Account wherein any Person residing in Great Britain shall be a Party, it shall and may be lawful to and for the Plaintiff or Defendant, and also to and for any Witness to be examined or made use of in such Action or Suit, to verify or prove any Matter or Thing by Affidavit or Affidavits in Writing upon Oath, or in case the Person making such Affidavit be one of the People called Quakers, then upon his or her solemn Affirmation, made before any Mayor or other Chief Magistrate of the City, Borough, or Town Corporate in Great Britain where or near to which the Person making such Affidavit or Affirmation shall reside, and certified and transmitted under the Common Seal of such City, Borough, or Town Corporate, or the Seal of the Office of such Mayor or other Chief Magistrate; which Oath and solemn Affirmation every such Mayor and Chief Magistrate shall be and is hereby authorized and empowered to administer; and every Affidavit or Affirmation so made, certified, and transmitted shall in all such Actions and Suits be allowed to be of the same Force and Effect as if the Person or Persons making the same upon Oath or solemn Affirmation as aforesaid had appeared and sworn or affirmed the Matters contained in such Affidavit or Affirmation vivâ voce in open Court, or upon a Commission issued for the Examination of Witnesses or of any Party in any such Action or Suit respectively; provided that in every such Affidavit and Affirmation there shall be expressed the Addition of the Party making such Affidavit or Affirmation, and the particular Place of his or her Abode.

" II. And be it further enacted, That in all Suits now depending or hereafter to be brought in any Court of Law or Equity by or in behalf of His Majesty, His Heirs and Successors, in the said Colony of New South Wales or its Dependencies, for or relating to any Debt or Account, that His Majesty, His Heirs and Successors, shall and may prove His and Their Debts and Accounts, and examine His or Their Witness or Witnesses, by

Affidavit or Affirmation in like Manner as any Subject or Subjects is or are empowered or may do by this present Act.

" III. Provided always, and it is hereby further enacted, That if any Person making such Affidavit upon Oath or solemn Affirmation as aforesaid shall be guilty of falsely and wilfully swearing or affirming any Matter or Thing in such Affidavit or Affirmation, which, if the same had been sworn upon an Examination in the usual Form, would have amounted to wilful and corrupt Perjury, every Person so offending, and being thereof lawfully convicted, shall incur the same Penalties and Forfeitures as by the Laws and Statutes of this Realm are provided against Persons convicted of wilful and corrupt Perjury.

" IV. And be it further enacted, That from and after the said Twenty-fifth Day of June One thousand eight hundred and fourteen the Houses, Lands, and other Hereditaments, and Real Estates, situate or being within the said Colony of New South Wales or its Dependencies, belonging to any Person indebted, shall be liable to and chargeable with all just Debts, Duties, and Demands of what Nature or Kind soever owing by any such Person to His Majesty or any of His Subjects, and shall and may be Assets for the Satisfaction thereof in like Manner as Real Estates are by the Law of England liable to the Satisfaction of Debts due by Bond or other Specialty, and shall be subject to the like Remedies, Proceedings, and Process in any Court of Law or Equity in the said Colony of New South Wales or its Dependencies, for seizing, extending, selling, or disposing of any such Houses, Lands, and other Hereditaments, and Real Estates, towards the Satisfaction of such Debts, Duties, and Demands, and in like Manner as Personal Estates in the said Colony are seized, extended, sold, or disposed of for the Satisfaction of Debts."

A Practice has grown up upon those Two Acts, which has been applicable to all other Countries, both as to His Majesty's Dominions Abroad and to Foreign Countries generally. In Cases of Debt, in Proof of Execution of Deeds, and many other Cases, Affidavits have been made and are received in Evidence in Foreign Courts and in His Majesty's Dominions, and for a Variety of other Purposes, such as putting Deeds on Record, and so on.

State the different Cases that you know?

Proof of Debts and Proof of the Execution of Deeds; no other occurs to me at the present Moment, but these are the most important. If I may be allowed to hand in an altered Act, I think it will meet every Purpose that we contemplate.

The Witness here hands in the Act, altered as follows:

" Recite the Act 5th George 2d, Chap. 7; also recite the Act 54th George 3d, Chap. 15.

" Whereas His Majesty's Subjects trading to and residing in His Majesty's Territories, Plantations, Colonies, Possessions, or Dependencies Abroad, lie under great Difficulties for Want of more easy Methods of proving, recovering, and levying of Debts due to them within the same: And whereas it is expedient those Difficulties should be removed: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the Day of One thousand eight hundred and in any Suit or Action then depending or thereafter to be brought or intended to be brought in any Court of Law or Equity within any of the Places aforesaid, for or relating to any Debt or Account wherein any Person residing in Great Britain and Ireland shall be a Party, or for or relating to any Lands, Tenements, or Hereditaments, or other Property, situate, lying, and being in the said Places respectively, it shall and may be lawful to and for the Plaintiff or Defendant, and also to and for any Witness to be examined or made use of in such Action or Suit, to verify or prove any Matter or Thing relating thereto by solemn Declaration or Declarations in Writing, or in case the Person making such Declaration be one of the People called Quakers, then upon his or her solemn Affirmation, made before any Mayor or other Chief Magistrate of the City, Borough, or Town Corporate in Great Britain and Ireland where or near to which the Person making such Declaration or Affirmation shall reside, and certified and transmitted under the Common Seal of such City, Borough, or Town Corporate, or the Seal of the Office of such Mayor or other Chief Magistrate, or the Signature and Official Seal of any Notary Public duly admitted and practising; which Declaration and solemn Affirmation, and every Declaration or Affirmation relative to such Matter or Thing as aforesaid in any Foreign Kingdom or State, or to the Voyage of any Ship or Vessel, every such Mayor and Chief Magistrate shall be and he is hereby authorized and empowered to administer or receive; and every Declaration or Affirmation so made, certified, and transmitted shall in all such Actions and Suits be allowed to be of the same Force and Effect as if the Person or Persons making the same had appeared and sworn or affirmed the Matters contained in such Declaration or Affirmation vivâ voce in open Court, or upon a Commission issued for the Examination of Witnesses or of any Party in such Action or Suit respectively; provided that in every such Declaration and Affirmation there shall be expressed the Addition of the Party making such Declaration or Affirmation, and the particular Place of his or her Abode.

" II. And be it further enacted, That it shall and may be lawful to and for any attesting Witness to the Execution of any Will or Codicil, Deed or Instrument in Writing, and to and for any other competent Person, to verify and prove the signing, sealing, Publica-

tion, or Delivery of any such Will, Codicil, Deed, or Instrument in Writing by such Declaration or Affirmation in Writing made before any such Mayor or other Chief Magistrate as aforesaid, to be certified and transmitted as aforesaid; and every such Mayor or other Chief Magistrate shall be and is hereby authorized and empowered to administer or receive such Declaration or Affirmation.

" III. And be it further enacted, That in all Suits now depending or hereafter to be brought in any Court of Law or Equity by or in behalf of His Majesty, His Heirs and Successors, in any of His said Majesty's Territories, Plantations, Colonies, Possessions, or Dependencies, for or relating to any Debt or Account, that His Majesty, His Heirs and Successors, shall and may prove His and Their Debts and Accounts, and examine His or Their Witness or Witnesses, by Affidavit or Affirmation, in like Manner as any Subject or Subjects is or are empowered or may do by this present Act."

The Affidavits you allude to, which are now taken with respect to America, the Brazils, and other of His Majesty's Colonies, are not sanctioned by any Statute?

They are not.

If a Man makes a false Affidavit in these Cases is there any Way of punishing him?

I conceive there is not at present; it is not required by Law.

The only Security, therefore, that the Oath gives, is the Binding that it may have upon the Man's Conscience who takes it?

Precisely so.

From the Number of Persons who take these Oaths, do you not think that a great many of them do not consider it as binding upon their Conscience?

I should say the Affidavits which I allude to, that are prepared in the Offices of Notaries, are generally considered very binding; as binding upon a Man who makes a Declaration before a Magistrate as if he went into a Court of Justice.

Do you think that if the Act of this Session is permitted to continue as it is, that the Object of the Act will be evaded by the Parties going to the Consuls of America, and there taking an Affidavit?

I do not think that it will; I believe the Words of the Act render that impossible.

Do you think if Parliament had thought fit to substitute in all the Cases in those Acts which now apply to the West Indies and to Australia a Declaration, subject to the Pains and Penalties of Perjury, that that would have been a Safeguard to the Commercial Interest?

I have no Doubt that it would.

Then the only Object you have is, that the Merchants trading to the Brazils, to America, and to other Parts of the World should be put on the same Footing as those trading to the West Indies and Australia?

Precisely so.

And if a Declaration was made generally for all the Merchants trading both with Australia, the West Indies, and other Parts of the World, you would be satisfied?

Perfectly so.

You only want fair Play?

We merely want to be enabled to sue for our Debts when we are obliged to do so.

And you think a Declaration would have that Effect?

I have no Doubt that it would.

Do you not think, upon a general Principle, that unnecessary Oaths should be abolished?

Unquestionably.

That is your Opinion?

Most decidedly it is. I should wish to make an Observation upon the Question relative to Declarations. It appears to me that unless you intend to abolish the taking Evidence on Oath in Courts of Justice, which I presume is not the Intention at present, that it seems a little inconsistent that you should take a Man's Declaration before a Magistrate, when you have no Means of Cross-examination, and that Witnesses produced in Court should be upon Oath and subject to Cross-examination. That is the Objection I have to Declarations.

There is an Anomaly exists in the Law with respect to that, because if a Witness in a Court of Justice perjures himself, you may punish him, but you cannot punish the Person who has made a voluntary Affidavit, which is not sanctioned by Statute or by the Common Law?

There is that Anomaly. With regard to the binding of a voluntary Oath on the Conscience, I really do think that a very large Portion of the Public have had their Eyes opened by this Act; that, independent of the conscientious binding, hitherto when Parties have taken their Affidavits with regard to bonâ fide Commercial Matters, that they have done it under the Apprehension,—which now turns out erroneous,—that they would be liable to a Prosecution for Perjury if they took a false Oath before a Magistrate. I think if Nine Persons out of Ten had been asked in the City of London, say Two Months ago, that they would have said such was the Impression on their Minds. This Act, therefore, has taken away that Sort of binding.

And you would be perfectly satisfied if you were to be placed upon the same Footing?

Yes.

The Witnesses are directed to withdraw.

SAMUEL HIGHAM Esquire is called in, and examined as follows:

You are in the National Debt Office?

I am Comptroller of the National Debt Office.

Are you aware of an Act of Parliament passed lately with respect to the Abolition of unnecessary Oaths?

I am.

In the National Debt Office are you in the habit of calling upon Persons to take voluntary Affidavits?

We are not; we do not require Persons to take voluntary Affidavits. Before the late Annuity Act the Commissioners of the National Debt Office were obliged to require such an Affidavit to be made; but in the Year 1832 all those Affidavits, with the Exception of One, were entirely abolished, and we have introduced a Declaration in lieu of it.

What has been the Result of repealing those Oaths?

We find a great Convenience; and I believe we have no Reason to complain of any Degree of Insecurity.

What is the one retained?

The one retained is in the Case of making a Purchase, that is, the Purchase of a Life Annuity; where a Life Annuity is purchased, it cannot be subsequently received until we have Proof of the Existence of the Nominee. Formerly, in addition to a Certificate under the Hands of the Minister of the Parish where such Nominee resided, the Act of Parliament required an Affidavit of a Magistrate to satisfy the Commissioners that the Person named in the Security was identically the Nominee upon whose Life the Annuity depended. That is the Affidavit which is now dispensed with. Evidence of the Existence of the Nominee coming before the Commissioners every Half Year, it became altogether unnecessary to receive Affidavits. The Life Annuity not being transferrable Property, not so frequently, at least, as Stock or Annuities for a certain Term of Years, we were perfectly satisfied if we could obtain the Indorsement of the Nominee or of the Proprietor on the Back of the Certificate, at the same Time declaring that he was the Nominee upon whose Life the Annuity depended.

Are you of Opinion that the Affidavit which is now retained might be dispensed with, and a Declaration substituted?

Giving that Declaration the same Validity as the Oath, I see no Reason why it should not.

What is the Act which gives you the Power of imposing that Affidavit?

The 10th of George IV. Chapter 27.

What Section?

Section 7. You will find several Affidavits are required; but by a subsequent Act, the 2d and 3d of William IV. Chapter 59., those Oaths are abolished as far as they apply to the Receipt of the Annuity, and also in Cases where an Annuity is purchased, upon Evidence being produced to the Commissioners upon Oath. For example, when once the Baptismal Register of the Nominee is lodged in the Office of the Commissioners, any Individual may come afterwards and appoint him as his Nominee, by the mere Act of signing the Declaration. Perhaps it would be convenient if I was to give in the Form in Cases in which the Affidavit is retained. When the Baptismal Register of a Native of the United Kingdom can be produced, it states. These are the Forms which are required to be made; and where the Parties cannot produce their Baptismal Register, those are retained. Both these Cases refer to fair Purchasers of their Annuity.

(Natives with Registers.)

FORMS for the PURCHASE of GOVERNMENT LIFE ANNUITIES, which must be strictly attended to.

Annuity.

No. Value

DECLARATION—Single Lives.

If the Register of the Birth or Baptism cannot be procured, apply at the Office for other Forms.—(See Notice at the Back of this Form.)

The Declaration will be filled up at the Office—to be signed by the Purchaser, or by some Person on his or her Behalf.

I do hereby declare to the Commissioners for the Reduction of the National Debt, That I am desirous, on the Behalf of to to the said Commissioners the Sum of for the Purchase of a Life Annuity; and I do hereby nominate now of the Age of Years, to be the Person on the Continuance of whose Life the said Annuity is to depend, and whose Age is certified and verified by the Certificates and Affidavits now produced.

Witness my Hand this Day of 18 .

[To be dated on the Day of Contract.]

Insert under No. 2. a true Copy of the Register, so far as relates to the Birth or Baptism of the Nominee; and state whether the Commencement of the Year in the Register is on the 25th of March according to the Old Style, or on the 1st of January according to the New Style. If it be according to the Old Style the Year must be inserted thus:—Example, "1740 ending 1741," stating the Year, as the Case may be.

No. 2.

I DO hereby certify, That the aforegoing is a true Copy, extracted from the Register of the Parish of in the County of .

Witness my Hand, A.B., Minister of the said Parish.

Signed by the said Minister in the Presence of us, this Day of 18 .

Witness, C.D. of .

Witness, E.F. of .

* *Note.*—If the Minister be absent, the above Certificate may be signed by Two Churchwardens or Overseers of the Parish, in the Presence of Two Witnesses; but the Words, "in the Absence of the Rev. A.B., the Minister of the said Parish," must follow the Mark * above.

No. 3.

To be sworn by One of the Witnesses to the aforegoing Register, before any Justice of the Peace or Magistrate acting for the County, City, Riding, Town, or Place wherein this Affidavit may be made.

I C.D. of do swear, That I have examined and compared the aforegoing Copy of the Register of the Birth [*or* Baptism] of with the Register of the Parish of in the County of and that I saw the Reverend A.B., the Minister of the said Parish, sign the said Certificate of the aforegoing Copy of such Register, and that the Names of myself and E.F., Witnesses to the signing the said Certificate by him the Minister of the Parish aforesaid, are of our own proper Handwriting. So help me GOD.

{ The Person who makes this Affidavit must sign here } C.D.

Sworn at in the County of on this Day of 18 , before me

Witness my Hand Justice of the Peace for .

No. 4.

AFFIDAVIT to be made by the Purchaser, or by some Person on his or her Behalf, before any Justice of the Peace or Magistrate acting for the County, City, Riding, Town, or Place wherein this Affidavit shall be made.

I G.H. do swear, That I.K. named in the foregoing Copy extracted from the Register of the Parish of in the County of am [*or* is] the Person who is appointed to be the Nominee on whose Life an Annuity is proposed to be purchased. So help me GOD.

{ The Person who makes this Affidavit must sign here } G.H.

Sworn at in the County of on this Day of 18 , before me .

Witness my Hand . Justice of the Peace for .

NOTICE.

If Bank Annuities or Long Annuities for the Term of Years shall be transferred, or Payment shall be made in Money, between the 5th Day of January exclusive and the 5th Day of April inclusive - - -	The Life Annuity will become payable on the 5th July and 5th January in every Year.
If between 5th April exclusive and 5th July inclusive - - - - -	It will become payable the 10th October and 5th April in every Year.
If between 5th July exclusive and 10th October inclusive - - - - -	It will become payable the 5th January and 5th July in every Year.
If between 10th October exclusive and 5th January inclusive - - - -	It will become payable on the 5th April and 10th October in every Year.

Note.—Neither Bank Annuities nor Long Annuities, nor Annuities for Terms of Years, can be transferred during their shutting.

* See Note at Foot.

* Take notice:—The 4th April, the 4th July, the 9th October, and the 4th January are the last Days in each Quarter on which Contracts can be entered into to enable the Transfer of Stock or Payment in Money; on the 5th April, the 5th July, the 10th October, and the 5th January, for the Annuity to become payable as above stated. If either of the last-mentioned Quarter Days shall happen to fall on a Sunday, then the Contract must be entered into on the 3d July, the 8th October, and the 3d January.

Are you of opinion that a Declaration, subject to Pains and Penalties as for Perjury, would have the Effect?

As far as my Experience will enable me to form an Opinion, I should say, to Men of honourable Feelings it would.

In point of fact, if a Man who takes the Affidavit is not an honourable Man, he might perjure himself?

Most unquestionably.

How long have you been in the National Debt Office?

About Twenty-eight Years.

S. Higham, Esq.

Have you ever known the Commissioners of the National Debt Office prosecute any Man for wilful Perjury?

Not One; nor do I think that the Commissioners have ever lost a Farthing by Fraud.

Is your Office under the Treasury?

No; under a special Act.

This Bill only refers to Government Offices under the Treasury. Their Lordships would not have the Power, therefore, by Minute, of substituting Declarations for Oaths in your Office?

Certainly not. I have an Opinion upon this Bill; and it strikes me that the National Debt Office is altogether exempt, inasmuch as there is Mention of it: therefore we continue, in those Cases that I have stated, to administer Affidavits as usual. This is the Form of Declaration which we require in Cases of receiving Life Annuity. If a Person was to appear at the National Debt Office with a Certificate of the Existence of the Nominee, he would be required to sign the Certificate, which we consider equivalent to an Indorsement. (*The Witness handed in the Certificate.*)

DECLARATION for the RECEIPT of LIFE ANNUITY (48 Geo. 3. Cap. 146. and other subsequent Acts).

I DECLARE, That the Person named and described in the annexed Certificate is the Nominee upon whose Life the Annuity of Pounds doth depend, a Half Year's Payment of which became due on the .

Witness my Hand this Day of 183 .

EXTRACT from the Act 2 & 3 Will. 4. Cap. 59.

"And if any Declaration shall be untrue in any Particular, the Person making the same shall, over and above every other Penalty to which such Person may become subject, forfeit the Sum of One hundred Pounds."

The Witness is directed to withdraw.

Ordered, That this Committee be adjourned to Monday the 13th Instant, Twelve o'Clock.

Die Lunæ, 13° *Julii* 1835.

The Duke of RICHMOND in the Chair.

J. Freshfield, Esq. M.P.

JAMES FRESHFIELD Esquire, a Member of the House of Commons, attending, is examined as follows:

You are connected with the Bank of England?

I am Solicitor to the Bank of England.

Has the Act of Parliament, of the present Session, for the Abolition of unnecessary Oaths, been found to be productive of some Inconvenience with respect to the Bank of England?

Yes. The Bank has been in the habit of receiving Affidavits to remove Difficulties occurring in relation to the Transfer of Stock as to the Identity of Parties, and a Variety of other Impediments, which Impediments are recognized by the general Stamp Act of the 55th of George the 3d, Chapter 184; and these Affidavits amount in the course of the Year to between 10,000 and 12,000. In these Cases we apprehend the Bank is not bound to receive any one of such Affidavits, and that they might put the Public to prove the Facts which are necessary to entitle the Individual to transfer the Stock in a particular Instance. The Consequence of their doing so would be to throw Difficulties upon the Public from themselves. They have been willing to take upon themselves considerable Risk in consequence of the Value which they attached in a Moral Sense, connected with these Affidavits. Whether the Affidavits were strictly legal in such a Sense as to entitle them to indict for Perjury has always been considered by their Legal Advisers a doubtful Point, although they have never considered the Affidavits in another Sense as strictly voluntary, in consequence of not having been recognised by the Act of Parliament. The Bank has a good deal of Experience of the Difference between Certificates and Affidavits. Certificates have frequently been offered to the Bank and rejected by them; and the Parties have found it very difficult, and at Times considerable Delay has taken place, in certifying the same Facts by Affidavit. That has induced the Bank to attach, perhaps, more Importance to the Oath than they would have done under other Circumstances or upon general Principles. When the particular Act to which the Committee refer had passed the Bank was advised that the Declaration intended to be substituted by that Act of Parliament, instead of an Oath, would have been

been recommended to them as perfectly satisfactory, connected with the Penalties of Perjury; but it appeared to those who had to advise them that it was not competent to them to require such Declaration, because the Declaration would have been more voluntary than the Oaths which they at present receive, that Act of Parliament not extending to entitle them to require any such Declaration, and therefore not drawing after it the Penalties imposed by the Act.

Are you of opinion that the Bank would be satisfied if a Declaration was substituted for the Affidavit, subject to the Pains and Penalties of Perjury; do you think there would be any Difficulty on the Part of the Bank to draw up for that Purpose a Clause in the Bill which is about to be brought in?

Certainly not. There are a few other Instances which have come within my own Professional Knowledge, and if it is not irregular I should wish to state them. I do not know whether the Committee are aware that under the Colonial Acts, wherever there is a Colonial Legislature, that Facilities are given for the Establishment of Debts, and for the Proof of Debts in their Courts, where there is a Colonial Legislature. There is an Act of Parliament entitling us to send out an Affidavit sworn before a Chief Magistrate, and authenticated by the Corporate Seal; and that Affidavit is received in the Colony as Evidence, rendering a Commission therefore unnecessary. There is also an English Statute which applies,—in Terms it is general,—but it applies certainly to the Colonies where there is no Legislature, and where there can be no such Act. The English Act is the 5th of George the Second, Cap. 7, intituled "An Act for the more easy Recovery of Debts in His Majesty's Plantations and Colonies in America;" and under the same Statute there are Facilities given for the Mode of proving the Execution of Deeds, the Deeds being attested in this Country and sworn to by a Witness, the Oath is taken before a Chief Magistrate, authenticated by their Corporate Seal; and they are also received as Evidence abroad. In Holland the Affidavit is also received in Evidence,—an Affidavit taken here; and in the Brazils an Affidavit is also received, and in Russia. The French only require a Declaration before Four Persons not being related, or before a Notary. Those are Instances in which the Magistrates would have no Power to administer the Oath now, and in which it appears to me it would be material they should still continue to administer the Oath in order to apply the Corporate Seal.

If the Bank was to throw upon the Public the Onus of proving the Matters which they now admit on Affidavit, would it be a very serious Expense to the Parties?

It would be a very serious Expense indeed. I should say they might fairly, (as they would not be advised to take any very strict or technical Objection,) they might fairly raise a Question in 3,000 out of 12,000.

Which would be a great Expense to the Parties?

Yes.

I thought you said the Bank had Reason to think that those Certificates were not so binding as the Oath?

Certainly; but I consider that the Declaration proposed by this Act of Parliament, being a solemn Declaration, and drawing after it the Consequences of Perjury, that Individuals and the Public would soon become associated with the Nature of the Declaration, and would regard it as a solemn Instrument, and not as a mere Certificate.

Then you think it would be valid, and accepted as such?

Just so. I have known Instances in which I have had Occasion to inquire where a mere Signature had been accepted. I had occasion to inquire afterwards whether the Fact could be proved by a Person, and on looking at his own Signature he said he could not, but because he found an Indication against his Signature, implying he did not know the Fact, but merely certified it.

Mr. Freshfield withdraws.

Ordered, That this Committee be adjourned to Thursday next, Eleven o'Clock.

Appendix to the Minutes of Evidence taken before the Select Committee on the Substitution of a Declaration in lieu of Oaths in certain Cases. 1835.

(*Papers delivered in to the Committee, 13th July* 1835.)

No. 1.

Copy of Treasury Minute, dated 19th June 1835, relative to the Abolition of Oaths, &c.

The Chancellor of the Exchequer calls the Attention of the Board to an Act for the more effectual Abolition of Oaths and Affirmations, and to substitute Declarations in lieu thereof, which Act has received the Royal Assent on the 12th Instant, and has come into operation on the 15th of the same Month.

Under this Enactment it is provided, "That in any Case where by any Act or Acts made or to be made relating to the Revenues of Customs or Excise, the Post Office, the Office of Stamps and Taxes, the Office of Woods and Forests, Land Revenues, Works, and Buildings, the Army Pay Office, the Office of the Treasurer of the Navy, or of the Treasurer of the Ordnance, His Majesty's Treasury, Chelsea Hospital, Greenwich Hospital, the Board of Trade, or any of the Offices of His Majesty's Principal Secretaries of State, the Office for auditing the Public Accounts, or any Office under the Control, Direction, or Superintendence of the Lords Commissioners of His Majesty's Treasury, any Oath, solemn Affirmation, or Affidavit might, but for the passing of this Act, be required to be taken or made by any Person on the doing of any Act, Matter, or Thing, or for the Purpose of verifying any Book, Entry, or Return, or for any other Purpose whatsoever, it shall be lawful for the Lords Commissioners of His Majesty's Treasury or any Three of them, if they shall so think fit, by Writing under their Hands and Seals to substitute a Declaration to the same Effect as the Oath, solemn Affirmation, or Affidavit which might, but for the passing of this Act, be required to be taken or made; and the Person who might under the Act or Acts imposing the same be required to take or make such Oath, solemn Affirmation, or Affidavit, shall, in Presence of the Commissioners, Collector, other Officer, or Person empowered by such Act or Acts to administer such Oath, solemn Affirmation, or Affidavit, make and subscribe such Declaration, and every such Commissioner, Collector, other Officer, or Person is hereby empowered and required to administer the same accordingly." In order to carry the Intentions of the Legislature into immediate Effect, the Chancellor of the Exchequer suggests that Letters should be immediately written to those several Departments, requiring from each of them a Return of the Oaths which are still required to be taken under their Authority, with a view to the Substitution of Declarations for such Oaths, as far as is practicable.

Read 5th Wm. 4. Cap. 8.

My Lords concur, and direct the Letters to be written accordingly.

No. 2.

LETTER from ———— to ———— .

27th June 1835.

I take the Liberty of addressing your Lordship, in order to point out a most important and serious Error, or rather Omission, which is observable in the Act of Parliament passed this Session for the Abolition of Oaths, and prohibiting voluntary Affidavits sworn before Justices of the Peace; and which may have a most injurious Operation upon the Trading Classes of this Country, and especially upon your Mercantile Constituents.

The Framers of the new Act appear not to have been aware, that very many Kinds of Instruments and Documents, constantly sent out from this Kingdom to Foreign Countries, require by the Laws or Usages of those Places to be authenticated by Affidavit, to be sworn before a Magistrate; such, for example, as Powers of Attorney to act Abroad in the Mercantile Affairs of Persons residing here, and Affidavits of Debt to arrest or sue Foreign Creditors: nay, it was only last Month that a Merchant of this Town, a Partner in a Firm well known to your Lordship, brought to me the Documents by which he was selling and conveying an Estate at Baltimore, by the Laws or Usages of which the Witness was obliged to swear to an Affidavit of the Execution of the Document before the Mayor, and the Seller had to acknowledge the Execution also before the Mayor. This Ceremony cannot be dispensed with; and if the Act is to remain as now passed, it will, I fear, amount to a Prohibition against British Merchants recovering, realizing, or selling Debts, Property, or Ships in Foreign Countries. (The old Act, 5 George 2, c. 7, does not affect the Question, as it merely applies to Affidavits respecting Actions or Suits in Courts of Law or Equity in British Plantations Abroad.) I am, as your Lordship knows, an Enemy to the unnecessary Multiplication of Oaths; but in this Case it is necessary that some Alteration should be made in the new Act, otherwise a great Injustice will be committed against the Mercantile Community.

I observe that on Wednesday last ———— gave Notice of a Motion to make some Alteration in the new Act. Allow me respectfully to suggest, that this may afford an excellent Opportunity for correcting it, if your Lordship should see the Justice of my Observations, and would endeavour to get the following Clause added:

"Provided always, that, notwithstanding any thing in the said Act or in any other Act contained, it shall be lawful for any Person to swear to any Oath, Affidavit, or Affirmation intended to be sent to Parts beyond the Seas, authenticating or referring to any Deed, Instrument, Paper, or Account whatsoever; which Oath, Affidavit, or Affirmation any Mayor, Chief Magistrate, or Justice of the Peace shall be and is hereby authorized and empowered to administer."

There are also various Affidavits, which are commonly made before Magistrates, to be used in this Country, such as those accompanying Notices of Dissolution of Partnerships for Insertion in the London Gazette, Affidavits to be used at the Bank of England, or respecting Property in the Public Funds, which I think ought also to be specially excepted, or the passing them over in Silence may cause great Inconvenience and Expense to the Parties wanting to use them.

———— ————.

No. 3.

LETTER from ——— to ———.

The Principles upon which the recent Act has abolished the Practice of administering voluntary Oaths are indisputably good; but it will probably be found that, by taking away all Discretion, and by not allowing some useful Exceptions, the Prohibition is of rather too sweeping a Nature.

The following Particulars may be mentioned as Instances in which Inconvenience may arise from the Want of a discretionary Power in the Magistrates.

In the Case of Persons residing in England, who are Creditors of Residents in Scotland, the Tribunals of the latter Country pay so much Respect to an Affidavit of the Debt sworn before a Justice of the Peace here, as to make it not only the Foundation of Legal Process, but in many Cases to receive it as a Proof of the Debt. It is a frequent Practice for London Tradesmen to come before the Magistrates at the Police Offices to swear to Debts owing by Individuals in Scotland, by which Means they are enabled to recover the same with great Facility. By prohibiting this Practice, a great Public Convenience will be cut off. The same Proceeding has occasionally, in my Practice, been adopted in the Case of Debts due in Foreign Countries.

In the perfecting of Titles to Property, in a Course of Alienation, certain Defects of Proof as to Debts, Births, or Marriages of Parties, are very often, in the Case of willing Purchasers, supplied, under the Sanction of eminent Conveyancers, by a simple Affidavit, without waiting for the Delays and Expense consequent on more formal Proof, which may frequently be obtainable only in distant Countries. It is a very frequent Practice for Solicitors to bring Persons before Magistrates to depose to the Facts required; and the administering the Oaths is found to be extremely convenient, and to save Litigation, Trouble, and Expense.

It occasionally happens that a Dispute arises between Two Persons in the lower Classes of Life as to a Debt; the one alleging it to be still due, the other insisting that it has been paid. At the Moment that this Dispute is about to furnish the Material for a Law-suit, the contesting Parties, at the Suggestion of a mutual Friend, or perhaps on their own voluntary Movement, agree to go before a Justice, the one to swear to the disputed Fact, the other to listen to the Oath, with an Understanding that they will conform themselves to the Statement put forth under that Sanction, without further Litigation; whereby a coming Law-suit is suppressed, ruinous Expense is saved, and endless Broils are obviated. The Principle of this Proceeding is somewhat analogous to the Objects stated in Lord Brougham's beautiful Ebauche, as to Courts of Reconciliation, when he introduced his Local Courts Bill, about Three or Four Years ago.

Compositions are often made between Debtors and Creditors, and Property is vested in Trustees to distribute pro ratâ among the Creditors, as far as it will go, in satisfaction of their whole Demands; and the Proof of the Debts, it is agreed, shall be made by Affidavit before a Justice of the Peace. Under the Provisions of the new Act, the Authority to receive such Proof is destroyed; and yet it would seem to be an Authority that may be beneficially exercised for the Prevention of Law-suits.

Executors and Administrators, ignorant of the Circumstances and Habits of the deceased Person whom they represent, frequently hesitate to pay Bills delivered to them, without the Creditors swearing to the Fact of the Money being due and owing. Such an Oath is indeed a voluntary one, and without any legal Validity, but it saves the Scruples of a Party who is disbursing the Property of another; and for every Oath so sworn a Suit at Law is saved.

In the Registers of Christenings, Burials, and Marriages which are now kept by the Parochial Clergy, great Errors are very often committed, which may eventually be fatal to the Rights of Inheritance and Succession. On such Errors being discovered, the Clergymen uniformly refuse to rectify them unless an Affidavit is made on the Subject before a Justice of the Peace; but, though such Rectification is a Matter of Public Benefit, the late Act takes away the Authority to administer the Oath which would effect it.

Appointments to various Public Situations; Admissions to different Scientific and Charitable Institutions; the Authority to exercise various Crafts in particular Places, are all frequently dependent on the Question of the Candidate's or Nominee's Age, or of the Length of the Individual's Service; and it has been customary to prove all such Facts before a Magistrate. But it would seem that under the new Law this can no longer be done.

Perhaps it will be found, that a Clause in the proposed Amendment Bill, to the following Effect, will preserve the useful Objects which have been above adverted to:

"And whereas it has been considered that the entire Prohibition of voluntary Oaths, as declared by the said Act, may in some Instances be productive of Public Inconvenience, be it enacted, That nothing in the said Act contained shall prevent any Justice of the Peace from administering any Oath, in his Discretion, as to any Debt alleged to be due to the Person making the same in any Country other than England and Wales, upon such Justice being satisfied that such Oath will be received and used as Proof of a Legal Claim in the Country or Jurisdiction for which the same is professed to be required; nor any Oath as to any Fact which may be material and necessary for perfecting the Title to any Property whatsoever about to be conveyed or assigned to an intended Purchaser; nor any Oath which may be calculated to compromise or prevent Suits at Law, or to amend erroneous Entries

in Parochial Registers, or which may facilitate the Appointment of any Nominees or Candidates for Public Situations or Eleemosynary Institutions, or the Admission of Persons to the Exercise of their Trade or Craft in particular Places."

29th June 1835.

No. 4.

Letter from ——— to ———.

———, 7th June 1835.

Observing that ——— is about to bring forward a Bill for amending an Act for the Abolition of Oaths, &c. lately introduced to Parliament by ———, I beg leave most respectfully to call ——— Attention to the Eighth Section of that Act, which recites, that Churchwardens are required to take an Oath of Office before entering upon the Execution thereof; and then enacts, that in future every Person entering upon the Office of Churchwarden shall, in lieu of the Oath of Office, make and subscribe a Declaration as therein mentioned.

Now, in all the Archdeaconries with which I am acquainted, it has always been the Practice to administer Two Oaths, one to the old Churchwarden on quitting Office, and the other to the new Churchwarden on entering upon it; and the Section of the Act to which I have called ——— Attention appears only to apply to the Oath administered on entering Office, and not to the Oath on quitting it, unless, indeed, it be by Implication.

Perhaps ——— may deem it advisable to remove this Doubt, by the Insertion of a few Words into the Bill about to be introduced by ———.

I could never clearly see the Necessity for administering an Oath to the Churchwarden on quitting Office; but such having been immemorially the Case in the Archdeaconry of ———, where I have the Honour to be the Official, I felt it my Duty to continue the Practice, and have uniformly administered the Two Oaths, Copies of which I beg Permission to inclose for ——— Perusal.

Praying your ——— Forgiveness for this Intrusion,

I beg to subscribe myself

most respectfully,

——— obedient humble Servant,

Inclosure in No. 4.

The old Churchwarden's Oath.

You shall swear, That you will true Presentment make of all such Persons and Things as are presentable by the Laws of this Realm, according to the best of your Skill and Knowledge. So help you GOD.

The new Churchwarden's Oath.

You shall swear, That you will well and truly execute the Office of Churchwarden for the ensuing Year in the Place where you are chosen, according to the best of your Skill and Knowledge. So help you GOD.

No. 5.

Letter from ——— to ———.

———, 27th June 1835.

I trust it will not be thought an undue Liberty, as ——— has introduced a Bill for the Amendment of the recent Act relative to Oaths, to submit to ——— Consideration a Clause calculated to obviate an Inconvenience, which might otherwise occur to many Churchwardens and Sidesmen who have been sworn into Office by the Ordinary since the Commencement of the Act, as several Visitations had actually been held before Copies of the Act were received.

I have the Honour to be,

——— very obedient humble Servant,

Inclosure in No. 5.

Clause proposed to be inserted in the Bill for amending an Act, intituled "An Act for the more effectual Abolition of Oaths."

"And whereas the Oath of Office required by Law, before the 15th Day of June in the present Year of our Lord 1835, to be taken by Persons serving the Offices of Churchwarden and Sidesman, before entering upon the Execution thereof, was by the said in part recited Act directed to be discontinued from and after the said 15th Day of June 1835, and a Declaration was thereby substituted for such Oath of Office: And whereas divers Visitations of the Ordinary for the Purpose of admitting Churchwardens and Sidesmen into Office were pending at or after the Time of the Commencement of the said Act, and

divers

divers Churchwardens and Sidesmen were, through Ignorance of the Provisions of the said Act, sworn into Office by the Ordinary after the Commencement of the said Act, and such Churchwardens and Sidesmen cannot without much Trouble and Expense be called to make and subscribe in the Presence of the Ordinary or other Person empowered to administer the same the Declaration required by the said Act: And whereas it is desirable that all Doubts as to the due Admission of such Churchwardens and Sidesmen to execute the Duties of their Office should be removed; be it therefore enacted, That all such Churchwardens and Sidesmen as shall have been sworn into Office before the proper Ordinary or other Person who would have been by Law empowered to administer the said Oath if the said Act had not been made, on or after the 15th Day of June in the present Year of our Lord 1835, but before the passing of this Act, in the Manner required by Law before the said 15th Day of June 1835, shall be deemed to have been duly admitted into the Offices of Churchwardens and Sidesmen as fully to all Intents and Purposes as if the Declaration directed to be made by virtue of the said Act had been made, subscribed, and administered under the Provisions of the said Act; and all Ordinaries or other Persons are hereby indemnified against any Suit, Information, or Penalty for administering such Oath."

No. 6.

LETTER from ———— to ————.

————, 3d July 1835.

It was with reference to the 12th Section of the "Act for the more effectual Abolition of Oaths," &c. that I was anxious to draw ———— Attention. That Section provides that "it shall not be lawful for any Justice to administer any Oath, Affidavit, or solemn Affirmation touching any Matter or Thing whereof such Justice hath not Jurisdiction or Cognizance by some Statute in force at the Time being."

It strikes me that whatever may be the Policy of substituting an Affirmation for an Oath in many Cases, the prohibiting any Affirmation being administered in lieu of an Oath in all Cases where the Magistrate has no Jurisdiction by Statute must be often attended with considerable Inconvenience to the Public. For instance, Affidavits are at present required, though there is no actual Authority to administer them, in Cases of Copies of Registers required by the Bank of England, and of other Proofs which they may demand; also in Cases of Payment of Half Pay, and Pensions, Civil and Military, by the East India Company. They are required also by the Insurance Companies, by the College of Surgeons, Society of Apothecaries, by many Hospitals and charitable Institutions; also in Cases where Certificates of Birth, Baptism, Marriage, and Burial are required to be sent Abroad, and where the Secretary or Under Secretary of State verifies the Signature of the Magistrate administering the Oath; and on a great many more Occasions, where, though the Affidavit may be said to be voluntary, the Matter in question partakes so much of the Character of Business, that the administering the Oath has never been considered doubtful, and I fear the Refusal to do it will produce considerable Difficulty.

I trust ———— will excuse my troubling you on the Subject.

And believe me,

Yours very faithfully,

————.

No. 7.

LETTER from ———— to ————

————, 30th June 1835.

I trust I need not apologise for directing your Consideration to a practical Inconvenience which will result from the Operation of the Act passed in the present Session for the more effectual Abolition of Oaths.

It is this, that in the Investigation of Titles to Estates it has been and is the common Practice of Conveyancers to require Affidavits of various Facts, in order to the satisfactory Completion of Titles. At the Bank of England also, if, on the Death of a Person possessed of Stock standing in their Books, the Description of such Person, as stated in his or her Will, or from any other Cause, varies in the least from the Description in the Books, an Affidavit is required of the Identity of the Party. The Affidavits alluded to are usually sworn before a Master in Chancery or a Justice of the Peace.

Allow me, most respectfully, to suggest, that in the Bill, which I understand is now on the Table of the House of Lords, to remove the Doubts expressed as to the Time of the Act referred to coming into operation, a Provision may be introduced, either in express Terms to regulate Affidavits of the Description and for the Objects pointed out, or to exempt them from the Operation of the Act.

I have the Honour to be,

———— most obedient humble Servant,

————.

No. 8.

LETTER from ———— to ————.

————, 29th June 1835.

Having observed that ———— is about to bring into the House of Lords a Bill in order to amend the Act "for the more effectual Abolition of Oaths and Affirmations, and

for the more entire Suppression of voluntary and extra-judicial Oaths and Affidavits," I have used the Liberty to write ———— on a Subject connected with this Act, which I think would be very detrimental to the Inhabitants of Scotland.

When a Person becomes insolvent (whose Property is of small Amount) voluntary Trusts are resorted to very frequently, as the least expensive and most expeditious Mode of winding up the Estate, and dividing the Proceeds among the Creditors. Those Creditors, before being ranked as such, make a voluntary Affidavit that their Debtor is due them a certain Sum, and that they hold no Security for it except their Document of Debt. Till this Affidavit be produced to the Trustee or Trustees, the Creditor is not ranked for his Debt on the Trust Estate. These Oaths appear to be absolutely necessary; but as they are voluntary Oaths, and not taken in any judicial Proceedings, it is doubtful if they can be now taken at all; so that there would not be any Safeguard to the Creditors in general against improper Rankings on the Estate, unless, indeed, a Decreet before a competent Court was obtained in every individual Case, which would be attended with a ruinous Expense. If, therefore, ———— could except from the Operation of the Act Oaths or Affidavits of Verity in voluntary Trusts in Scotland, it would certainly tend to the saving of Expense, and be of great Advantage to this Part of the United Kingdom. I should think the Lord Advocate would acquiesce in the Propriety of this Suggestion.

I have the Honour to be,

————,

Your most obedient humble Servant,

———— ————.

No. 9.

LETTER from ———— to ————.

————,

11th July 1835.

I have had the Honour to receive ———— obliging Letter of the 6th Instant, in answer to my Letter to ———— respecting the Act for the more effectual Abolition of Oaths, &c.

I beg to state that Persons violating the voluntary Affidavits to which I alluded, by swearing falsely, cannot, I believe, be prosecuted for Perjury; nor, according to the best Information I can procure, are they liable to any Legal Punishment. No Party is obliged to admit such Affidavits as Legal Evidence of the Facts sworn to. They are held to be sufficient only in Cases where there is no Dispute, and no known Ground of Objection. The Practice of requiring them seems to have arisen from their being considered an Appeal to the Almighty, and the Confidence entertained, that such an Appeal would not be made in the Averment of a Falsehood, although no Legal Punishment should ensue. It may be thought, that, generally speaking, the Solemnity of such an Appeal would be held more binding on the Conscience than any Declaration that could be framed.

The practical Difficulty in the Case is, that in all voluntary Trusts for Behoof of Creditors, the Emission of an Affidavit by each Creditor to the Verity of his Debt is the sole Condition on which his Claim can be admitted and ranked on the Trust Funds; and if it be deemed expedient to confirm the Abolition of such Affidavits, some Provision may yet be made as a Remedy in ———— Bill to amend the Act.

I have the Honour to remain,

————,

———— ———— most obedient humble Servant,

———— ————

Appendix C.

Appendix (C.)

Forms of Declarations substituted in lieu of Oaths.

Papers delivered in to the Committee.

I.—XII. Forms of Declarations substituted in lieu of Oaths.

No. I.

No. 1. Certificate of the Death of a Single Life.

January. April. Received .
No.

Reduction of National Debt and Life Annuity Office,
Old Jewry.

Upon the Death of any single Nominee, One Fourth Part of the Annuity depending upon his or her Life will be payable to the Person or Persons entitled to the said Annuity, or to his or her Executors, Administrators, or Assigns, if claimed within Two Years from such Decease, but not otherwise; and One of those Persons must make the following Declaration, No. 2., after which these Forms must be produced at this Office.

No. 1. Certificate.

I, the Minister of the Parish of in the County of
do hereby certify, That late of
in the said County died * on the (in Words) Day
of One thousand eight hundred and .

Witness my Hand this Day of One thousand
eight hundred and thirty .

A.B. Minister of the Parish aforesaid.

N.B. Justices of the Peace may also grant this Certificate.

If the Day of "Decease" cannot be certified, the Day of "Burial" may be stated in the Certificate, but the Declaration must state the Day on which the Nominee died.

No. 2. Declaration.

I
named and described in the above Certificate, do solemnly
and sincerely declare, That the said late
of died on the (in Words) Day of
One thousand eight hundred and thirty and that
was the same Person on whose Life an Annuity of
did depend; and further, that
the aforegoing Certificate relates to the * of the said
and of no other Person whomsoever. And I make this solemn Declaration conscientiously
believing the same to be true.

Witness my Hand .

Declared before me this Day of 183 ,
at in the County of .

Witness my Hand, *C.D.* Justice of the Peace
for .

* State "Death" or "Burial" as the Case may be.

The aforegoing Declaration is to be made before any Justice of the Peace or Magistrate acting for the County, City, Riding, Town, or Place wherein this Declaration shall be made.

Appendix C.

Forms of Declarations substituted in lieu of Oaths.

NOTICE.

If the aforegoing Certificate and Declaration shall be received at the National Debt Office on or prior to 5th December - -	The Fourth Part of the expired Annuity, and all half-yearly Arrears of such Annuity (if any), will be payable a few Days after the - -	5th January following.
Do. on or prior to 5th of March	Do. - -	5th April following.
Do. on or prior to 4th of June	Do. - -	5th July following.
Do. on or prior to 9th of September	Do. - -	10th October following.

No. .

within named.

Expired Annuity, payable 5th Jan. and 5th July - - £ .

¼ .

Ditto - 5th April and 10th October - £ .

¼ .

Payment
Do.
¼ } Payable " 183 .

No. II.

CERTIFICATE of the MARRIAGE of a NOMINEE.

Fo. of Marriage Certificate .
Fo. of Ledger .
No. of Annuity. .

Insert under No. 2. a true Copy of the Register so far as relates to the Marriage.

No. 2.

I do hereby certify, That the aforegoing is a true Copy extracted from the Register of the Parish of in the County of .
*

Witness my Hand, *A. B.* Minister of the said Parish.

Signed by the said Minister in the Presence of us this Day of 18 .

Witness *C. D.* of .
and
Witness *E. F.* of .

Note.—If the Minister be absent the above Certificate may be signed by Two Churchwardens or Overseers of the Parish in the Presence of Two Witnesses, but the Words "in the Absence of the Reverend *A. B.* the Minister of the said Parish," must follow the Mark * above.

No. 3.

DECLARATION to be made by One of the Witnesses to the aforegoing Register before any Justice of the Peace or Magistrate acting for the County, City, Riding, Town, or Place wherein this Declaration shall be made.

I *C. D.* of do solemnly and sincerely declare, That I have examined and compared the aforegoing Copy of the Register of the Marriage of with the Register of the Parish of

of in the County of and that I saw the Rev. *A. B.* the Minister of the said Parish, sign the said Certificate of the aforegoing Copy, which is a true Copy of such Register, and that the Names of myself and *E. F.* Witnesses to the signing the said Certificate by him the Minister of the Parish aforesaid, are of our own proper Handwriting; and I make this solemn Declaration conscientiously believing the same to be true.

The Person who makes this Declaration must sign here. } Witness my Hand, *C. D.*

Declared before me this Day of 18 ,
at in the County of .

Witness my Hand, *G. H.* Justice of the Peace
for .

The Person who makes this Declaration must insert his or her Christian and Surnames, Place of Abode, and Quality, in the Body of it, at full Length.

No. 4.

DECLARATION to be made by the Purchaser, or by some Person on his or her Behalf, before any Justice of the Peace or Magistrate acting for the County, City, Riding, Town, or Place wherein this Declaration shall be made.

I *I. K.* do solemnly and sincerely declare, That Wife of of formerly of named in the foregoing Copy extracted from the Register of the Parish of in the County of is the Nominee upon whose Life the Annuity of £ doth depend, which was purchased of the Commissioners for the Reduction of the National Debt under the Provisions of the Acts for enabling the said Commissioners to grant Life Annuities; and I make this solemn Declaration conscientiously believing the same to be true.

The Person who makes this Declaration must sign here. } Witness my Hand, *I. K.*

Declared before me this Day of 18 ,
at in the County of .

Witness my Hand, *G. H.* Justice of the Peace
for .

The Person who makes this Declaration must insert his or her Christian Name, Place of Abode, and Quality, in the Body of it, at full Length.

No. III.

CERTIFICATE of the BURIAL of the HUSBAND of a NOMINEE.

Fo. of Burial Certificate .
Fo. of Ledger .
No. of Annuity .

Insert under No. 2. a true Copy of the Register, so far as relates to the Death or Burial.

No. 2.

I do hereby certify, That the aforegoing is a true Copy extracted from the Register of the Parish of in the County of .

*

Witness my Hand, *A. B.* Minister of the said Parish.

Signed by the said Minister in the Presence of us this Day of 18 .

Witness *C. D.* of .
and
Witness *E. F.* of .

Note.—If the Minister be absent the above Certificate may be signed by Two Churchwardens or Overseers of the Parish in the Presence of Two Witnesses, but the Words "in the Absence of the Reverend *A. B.* the Minister of the said Parish" must follow the Mark * above.

No. 3.

DECLARATION to be made by One of the Witnesses to the aforegoing Register before any Justice of the Peace or Magistrate acting for the County, City, Riding, Town, or Place wherein this Declaration shall be made.

I *C.D.* of do solemnly and sincerely declare, That I have examined and compared the aforegoing Copy of the Register of the of with the Register of the Parish of in the County of and that I saw the Rev. *A.B.* the Minister of the said Parish, sign the said Certificate of the aforegoing Copy, which is a true Copy of such Register, and that the Names of myself and *E.F.* Witnesses to the signing the said Certificate by him the Minister of the Parish aforesaid, are of our own proper Handwriting; and I make this solemn Declaration conscientiously believing the same to be true.

The Person who makes this Declaration must sign here. } Witness my Hand, *C.D.*

The Person who makes this Declaration must insert his or her Christian and Surnames, Place of Abode, and Quality, in the Body of it, at full Length.

Declared before me this Day of 18 , at in the County of .

Witness my Hand, *G.H.* Justice of the Peace for .

No. 4.

DECLARATION to be made by the Purchaser, or by some Person on his or her Behalf, before any Justice of the Peace or Magistrate acting for the County, City, Riding, Town, or Place wherein this Declaration shall be made.

I *I.K.* do solemnly and sincerely declare, That named in the foregoing Copy extracted from the Register of the Parish of in the County of was the Husband of the said the Nominee upon whose Life the Annuity of £ doth depend, which was purchased of the Commissioners for the Reduction of the National Debt under the Provisions of the Acts for enabling the said Commissioners to grant Life Annuities; and I make this solemn Declaration conscientiously believing the same to be true.

The Person who makes this Declaration must sign here. } Witness my Hand, (*I.K.*)

The Person who makes this Declaration must insert his or her Christian Name, Place of Abode, and Quality, in the Body of it, at full Length.

Declared before me this Day of 18 , at in the County of .

Witness my Hand, *G.H.* Justice of the Peace for .

Forms for the Correction of Misnomers in Registers of Births or Baptisms.

No. IV.

No. 1.

DECLARATION to be made by the Purchaser or by the Nominee.

I *A.B.* of do solemnly and sincerely declare, That I the said erroneously described in the original Register of Births and Baptisms of the Parish of in the County of (a true Copy from which said Register is hereunto annexed marked A.) am the Person who is appointed to be the Nominee on whose Life an Annuity is proposed to be purchased; and I do further declare that the Names of my Parents or reputed Parents were of (*a*) and his Wife, and that I have always understood and do verily believe that I was (*b*) on or about the and I do also declare that to the best of my Knowledge and Belief the Person named and described in the said annexed Extract from the said Register as " " relates to the (*c*) of me the said and to no other Person whomsoever, as I never knew or heard mention of any Person of

(*a*) State Profession. (*b*) "born" or "baptized." (*c*) "Birth" or "Baptism."

the

the Name of living at or near the Parish of aforesaid; and I make this solemn Declaration conscientiously believing the same to be true.

Witness my Hand, *A.B.*

Declared before me this Day of 183 , at in the County of .

Witness my Hand, *C.D.* Justice of the Peace for .

No. 2.

This Declaration must be made by some disinterested Person having Knowledge of the Names, Addition, and Employment or Occupation, and Place of Abode of the Nominee, and also the Place of his or her Birth, and the Names of his or her reputed Parents, &c. The Christian as well as Surname and Place of Abode must be written at Length, and the Profession or Quality of each Person named in the following Declaration must also be stated.

I *E.F.* of do solemnly and sincerely declare, That *A.B.* of erroneously described in the original Register of Births and Baptisms of the Parish of in the County of (a true Copy from which said Register is hereunto annexed, marked A.) is the Person who is appointed to be the Nominee on whose Life an Annuity is proposed to be purchased; and I do further declare that I have well known the said for Years and upwards, and that the Names of Parents or reputed Parents were of (*a*) and his Wife, and that to the best of my Knowledge and Belief the Person named and described in the said annexed Extract from the said Register as " " relates to the (*b*) of the said and to no other Person whomsoever, as I never knew or heard mention of any Person of the Name of living at or near the Parish of aforesaid; and I make this solemn Declaration conscientiously believing the same to be true.

Witness my Hand, *E.F.*

Declared before me this Day of 18 , at in the County of .

Witness my Hand, *C.D.* Justice of the Peace for .

(*a*) State Profession. (*b*) " Birth " or " Baptism."

No. V.

Misnomer in Cases of Death.

This Declaration must be made by some disinterested Person before any Justice of the Peace or Magistrate acting for the County, City, Riding, Town, or Place wherein this Declaration shall be made.

I of do solemnly and sincerely declare, That named in the Books of the Commissioners for the Reduction of the National Debt, and also named in the exhibited at the National Debt Office, on the Day of 18 , are one and the same Person and not divers, having been well acquainted with for Years; and I do further declare that to the best of my Knowledge and Belief died on or about the Day of 18 , and that was the ; and I make this solemn Declaration conscientiously believing the same to be true.

Witness my Hand .

Declared before me this Day of 18 , at in the County of .

Witness my Hand Justice of the Peace for .

Appendix C.

Forms of Declarations substituted in lieu of Oaths.

No. VI.

No.

CERTIFICATE of the BURIAL of the HUSBAND of a NOMINEE, in the IRISH TONTINE, 177 .

Debenture, No. . Class.

Insert under No. 2. a true Copy of the Register so far as relates to the Death or Burial.

No. 2.

I do hereby certify, That the aforegoing is a true Copy, extracted from the Register of the Parish of in the County of .

Witness my Hand, *A.B.* Minister of the said Parish.

Signed by the said Minister in the Presence of us this Day of 18 .

Witness *C.D.* of .
Witness *E.F.* of .

Note.—If the Minister be absent the above Certificate may be signed by Two Churchwardens or Overseers of the Parish in the Presence of Two Witnesses, but the Words "in the Absence of the Reverend *A.B.* the Minister of the said Parish" must follow the Mark * above.

No. 3.

DECLARATION to be made by One of the Witnesses to the aforegoing Register before any Justice of the Peace or Magistrate acting for the County, City, Riding, Town, or Place wherein this Declaration shall be made.

I *C.D.* of do solemnly and sincerely declare, That I have examined and compared the aforegoing Copy of the Register of the of with the Register of the Parish of in the County of and that I saw the Rev. *A.B.* the Minister of the said Parish, sign the said Certificate of the aforegoing Copy, which is a true Copy of such Register, and that the Names of myself and *E.F.* Witnesses to the signing the said Certificate by him the Minister of the Parish aforesaid, are of our own proper Handwriting; and I make this solemn Declaration conscientiously believing the same to be true.

The Person who makes this Declaration must sign here. } Witness my Hand, *C.D.*

The Person who makes this Declaration must insert his or her Christian and Surnames, Place of Abode, and Quality, in the Body of it, at full Length.

Declared before me this Day of 18 ,
at in the County of .

Witness my Hand, *G.H.* Justice of the Peace for .

No. 4.

DECLARATION to be made by the Proprietor, or by some Person on his or her Behalf before any Justice of the Peace or Magistrate acting for the County, City, Riding, Town, or Place wherein this Declaration shall be made.

I *I.K.* do solemnly and sincerely declare, That

named

named in the foregoing Copy extracted from the Register of the Parish of in the County of was the Husband of the said the Nominee in the Irish Tontine, Anno 177 , in the Class, upon whose Life the Annuity on Debenture, numbered doth depend; and I make this solemn Declaration conscientiously believing the same to be true.

The Person who makes this Declaration must sign here. } Witness my Hand, (*I. K.*)

Declared before me this Day of 18 , at in the County of .

Witness my Hand, *G. H.* Justice of the Peace for .

The Person who makes this Declaration must insert his or her Christian Name, Place of Abode, and Quality, in the Body of it, at full Length.

No. VII.

IRISH TONTINE, 177 .

Debenture, Class - { I. No. . II. No. . III. No. . }

I Minister of the Parish of in the of do hereby certify, That (*a*)

a Nominee in the Irish Tontine , living in the said Parish of of which I am Minister, and appeared personally before me on this Day of One thousand eight hundred and .

Witness my Hand the Day and Year above stated,

Minister.

(*a*) The Name and Description of the Nominee to be inserted as in the Debenture, as also any Alteration or Addition, viz. Wife or Widow of .

N.B.—No Certificate that has any Erasure or Alteration will be considered as authentic or be accepted of as a sufficient Voucher for paying the Annuity.

The Person who makes this Declaration must insert his or her Christian Name, Place of Abode, and Quality at full Length.

I do solemnly and sincerely declare, That named and described in the aforegoing Certificate * the Nominee in the Tontine above mentioned, described in the Debenture numbered and classed as above, upon whose Life the Annuity arising thereon doth depend, a Half-year's Payment of which became due on the ; and I make this solemn Declaration conscientiously believing the same to be true.

The Person who makes this Declaration must sign here. } Witness my Hand .

Declared before me this Day of 18 , at in the County of .

Witness my Hand

Justice of the Peace for .

* "am" or "is."

Extract from 13 & 14 G. 3. s. 8. (Irish Act.)—"And be it further enacted by the Authority aforesaid, That in case any Person who, by the Intent of this Act, shall be entitled to receive any Annuity or Annuities as aforesaid, shall neglect to demand the same in manner aforesaid for the Space of Three Years, he or she shall for ever lose and forfeit the same, as if his or her respective Nominee had been dead at the Commencement of the said Three Years."

Extract from 5 & 6 W. 4. c. 62. s. 21.—"And be it further enacted, That in any Case where a Declaration is substituted for an Oath under the Authority of this Act, or by virtue of any Power or Authority hereby given, or is directed and authorized to be made and subscribed under the Authority of this Act, or by virtue of any Power hereby given, any Person who shall wilfully and corruptly make and subscribe any such Declaration, knowing the same to be untrue in any material Particular, shall be deemed guilty of a Misdemeanor."

National Debt Office,
5th July 1836.

The above Declaration must be made by the Proprietor, his or her Executor or Administrator, or Attorney.

These Forms are to commence and take effect from and after 1*st March* 1837.

Appendix C.

Forms of Declarations substituted in lieu of Oaths.

NOTICE.

Every Proprietor, his Executor, Administrator, or Assigns, within One Month after receiving Notice of the Death of his or their respective Nominee or Nominees, shall certify such Death to the Office, and shall also within Three Months after such Notice deliver or cause to be delivered up the Debentures, and in default thereof shall forfeit the Sum of Twenty Pounds, agreeably to the Act of Parliament.

National Debt Office.

No. VIII.

The following Certificate is to be granted by the Minister of the Parish, or by the Person acting for such Minister; or by Two Churchwardens or Overseers, in the Absence of the Minister; or by a Justice of the Peace or Magistrate.

EXCHEQUER TONTINE, Anno 1789.

Order, Class - { I. No. . / II. No. . / III. No. . }

I Minister of the Parish of in the of do hereby certify, That (*a*)

a Nominee in the Tontine Anno 1789 living in the said Parish of of which I am Minister, and appeared personally before me on this Day of One thousand eight hundred and .

Witness my Hand the Day and Year above stated,

Minister.

(*a*) The Name and Description of the Nominee to be inserted as in the Order, as also any Alteration or Addition, viz. Wife or Widow of .

N.B.—No Certificate that has any Erasure or Alteration will be considered as authentic or be accepted of as a sufficient Voucher for paying the Annuity.

This Declaration is to be made by the Proprietor, or by his or her Executor or Administrator, or Attorney.

I do hereby declare, That named and described in the aforegoing Certificate * the Nominee in the Tontine above mentioned, described in the Order numbered and classed as above, upon whose Life the Annuity arising thereon doth depend, a Half-year's Payment of which became due on the .

Witness my Hand this Day of 18 .

* "am" or "is."

Note.—Every Declaration that is executed by a Mark instead of a written Name must be witnessed by the Minister of the Parish or by One of the Churchwardens or Overseers, and such Witness must state that the Declaration has been read over and fully explained to the Party.

Extract from the Act 29 G. 3. c. 41. s. 32.—"And be it further enacted by the Authority aforesaid, That if any Person who in respect of any such Life Annuity may be entitled to receive any Half-yearly Payment thereof shall at any Time neglect to demand the same until within Forty Days before the Expiration of Two Years from the Time when such Payment shall have become due, and in case no Certificates of the Life of any Nominee upon whose Life the said Annuity doth depend shall be produced to the Officers of His * Majesty's Exchequer, or sufficient Proof made thereof according to the Rules prescribed by this Act, then and from thenceforth such Nominee of whose Life no such Certificate shall be produced or Proof made shall be taken to be dead, and such Annuity shall be forfeited, and from thenceforth the same shall be divided from Time to Time amongst the several Persons entitled to Annuities upon the Death of any Nominee in the same Class, until such Certificate shall be produced or Proof made, and so from Time to Time upon every such Default: Provided nevertheless, that if such Nominee shall afterwards appear to be living, and a Demand in due Time in manner as aforesaid is made for any following Half-yearly Payment, the Person or Persons entitled to the same shall for the future have his Share of the said Annuities as if such Default had not been made."

* The Life Annuities which were heretofore payable at the Exchequer are by the Act 2 & 3 W. 4. c. 59. placed under the Management of the Commissioners for the Reduction of the National Debt.

Extract

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Extract from the Act 2 & 3 W. 4. c. 59. s. 5.—"And if any such Declaration shall be untrue in any Particular, the Person making the same shall, over and above every other Penalty to which such Person may become subject, forfeit the Sum of One hundred Pounds."

National Debt Office,
5th July 1836.

These Forms are to commence and take effect from and after 1st March 1837.

NOTICE.

Every Proprietor, his Executors, Administrators, or Assigns, within One Month after receiving Notice of the Death of the Nominee or Nominees upon whose Life or Lives any Annuity granted under the Provisions of the Tontine Act of 29 G. 3. c. 41. depends, is required to certify such Death, and also to deliver or cause to be delivered to the Commissioners for the Reduction of the National Debt the "Parchment Order or Orders" he or she was entitled to and possessed of, or in default thereof such Proprietor, Executor, Administrator, or Assign will be liable, pursuant to the Provisions of the said Act, to forfeit and pay the Sum of Ten Pounds to any Person or Persons suing for the same.

National Debt Office,
Old Jewry.

No. IX.

FOREIGNERS.

Forms for the Purchase of Government Life Annuities, which must be strictly attended to.

Annuity .
No. . Value .

DECLARATION.—SINGLE LIVES.

No. 1.

This DECLARATION will be filled up at the Office.

To be signed by the Purchaser, or by some Person on his or her Behalf.

I do hereby declare to the Commissioners for the Reduction of the National Debt, That I am desirous on the Behalf of to to the said Commissioners the Sum of for the Purchase of a Life Annuity; and I do hereby nominate now of the Age of Years, to be the Person on the Continuance of whose Life the said Annuity is to depend, and whose Age is certified and verified by the Declarations now produced.

To be dated on the Day of Contract. } Witness my Hand this Day of 18 .

No Person can be the Nominee of another who is not a Native of Great Britain or Ireland.

In Cases where the Nominee shall not be a Native of Great Britain or Ireland, the following Declaration or Declarations must be made before any Justice of the Peace or Magistrate acting for the County, City, Riding, Town, or Place wherein this Declaration shall be made.

The Christian as well as the Surname and Place of Abode must be written at full Length, and the Profession, &c. of each Person named in the following Declarations must also be stated.

No. 2.

DECLARATION No. 2. to be made by the Nominee (who must also be the Purchaser), or by some other Person having Knowledge of the Age, Names, Additions, and Employment or Occupation (if any), and Place of Abode of the Nominee, and also the Place of his or her Birth, and the Names of his or her reputed Parents.

I do solemnly and sincerely declare, That I (*A.B.*) residing at in the County of (*a*) am of the Age of Years, and was born at in the

(*a*) State Profession or Quality.

Appendix C.

Forms of Declarations substituted in lieu of Oaths.

Province of and that the Names of my Parents or reputed Parents were (a) and that I the said am the Person who is appointed to be the Nominee, on whose Life an Annuity is proposed to be purchased; and I make this solemn Declaration conscientiously believing the same to be true.

The Person who makes this Declaration must sign here. } Witness my Hand, *A.B.*

Declared before me this Day of 183 ,
at in the County of .

Witness my Hand, *C.D.* Justice of the Peace
for .

(a) State Profession or Quality.

If the aforegoing Declaration be made by any other Person than the Purchaser of the Annuity or the Nominee, then such Declaration must be accompanied by the following, to be made by the Purchaser of the Annuity.

No. 3.

I *G.H.* of (a)
do declare, That I solemnly and conscientiously believe the Contents of the aforegoing Declarations to be true.

The Person who makes this Declaration must sign here. } Witness my Hand, *G.H.*

Declared before me, this Day of 183 ,
at in the County of .

Witness my Hand, *C.D.* Justice of the Peace
for .

(a) The Profession or Quality of the Party must be stated.

NOTICE.

* See Note at Foot.

If Bank Annuities, or Long Annuities, or Annuities for Terms of Years, shall be transferred, or Payment shall be made in Money, between the 5th Day of January exclusive and the 5th Day of April inclusive - - - - - -	The Life Annuity will become payable the 5th July and 5th January in every Year.
If between 5th April exclusive and 5th July inclusive - - - - - - -	It will become payable the 10th October and 5th April in every Year.
If between 5th July exclusive and 10th October inclusive - - - - - -	It will become payable the 5th January and 5th July in every Year.
If between 10th October exclusive and 5th January inclusive - - - - - -	It will become payable the 5th April and 10th October in every Year.

Note.—Neither Bank Annuities, nor Long Annuities, nor Annuities for Terms of Years, can be transferred during their shutting.

* Take notice.—The 4th of April, the 4th of July, the 9th of October, and the 4th of January are the last Days in each Quarter on which Contracts can be entered into to enable the Transfer of Stock or Payment in Money, on the 5th of April, the 5th of July, the 10th of October, and the 5th of January, for the Annuity to become payable as above stated. If either of the last-mentioned Quarter Days should happen to fall on a Sunday, then the Contract must be entered into on the 3d of April, the 3d of July, the 8th of October, and the 3d of January.

No. X.

This Declaration must be made by some disinterested Person having Knowledge of the Age, Names, Addition, and Employment or Occupation, and Place of Abode of the Nominee, and also the Place of his or her Birth, and the Names of his or her reputed Parents, &c. The Christian as well as the Surname and Place of Abode must be written at full Length, and the Profession, &c. of each Person named in the following Declaration must also be stated.

I (*E.F.*) of (a)
do solemnly and sincerely declare, That of
(a) is a Person whom I have well known for many Years, and that to

(a) State Profession or Quality.

the best of my Knowledge and Belief was born at in the (*b*) of and the Names of Parents or reputed Parents were of (*a*) and that is of the Age of Years and upwards; and I do also declare that the said is the same Person named and described in the annexed Declaration as the proposed Nominee; and further, that I verily believe the whole Contents of said Declaration to be true; and I make this solemn Declaration conscientiously believing the same to be true.

The Person who makes this Declaration must sign here. } Witness my Hand, (*E. F.*)

Declared before me this Day of 183 , at in the County of .

Witness my Hand, *C. D.* Justice of the Peace for .

(*a*) State Profession or Quality. (*b*) Parish.

No. XI.

NATIVES.—NO REGISTER.

Forms for the Purchase of Government Life Annuities, which must be strictly attended to.

Annuity .
Stock .
No. . Value .

DECLARATION.—SINGLE LIVES.

No. 1.

This DECLARATION will be filled up at the Office.

To be signed by the Purchaser, or by some Person on his or her Behalf.

I of do hereby declare to the Commissioners for the Reduction of the National Debt, That I am desirous on the Behalf of to to the said Commissioners the Sum of for the Purchase of a Life Annuity; and I do hereby nominate now of the Age of Years, to be the Person on the Continuance of whose Life the said Annuity is to depend, and whose Age is certified and verified by the Declarations now produced.

To be dated on the Day of Contract. } Witness my Hand this Day of . 18 .

In Cases where the Nominee shall be a Native of Great Britain or Ireland, the Register of whose Birth or Baptism cannot be produced, the following Declaration or Declarations must be made before any Justice of the Peace or Magistrate acting for the County, City, Riding, Town, or Place wherein this Declaration shall be made.

The Christian as well as the Surname and Place of Abode must be written at full Length, and the Profession of each Person named in the following Declarations must also be stated.

No. 2.

DECLARATION to be made by the Nominee or by the Purchaser, or by some other Person having Knowledge of the Age, Names, Addition, and Employment or Occupation (if any), and Place of Abode of the Nominee, and also the Place of his or her Birth, and the Names of his or her reputed Parents.

I do solemnly and sincerely declare, That I (*A. B.*) residing at in the County of (*a*) am of the Age of Years, and was born at in the Parish of in the County of and that the Names of my Parents or reputed Parents were (*a*) and that I the said am the same Person who is appointed to be the Nominee on whose Life an Annuity is proposed

(*a*) State Profession or Quality.

Appendix C.

Forms of Declarations substituted in lieu of Oaths.

posed to be purchased, and the Reason why I cannot produce the Copy of the Parochial Register of my Birth or Baptism is that, having caused diligent Search to be made in the Register of the aforesaid Parish of no Entry of my said Birth or Baptism is therein made, as I am informed, and which I verily believe to be true; and I make this solemn Declaration conscientiously believing the same to be true.

The Person who makes this Declaration must sign here. } Witness my Hand, (*A.B.*)

Declared before me this Day of 183 ,
at in the County of .

Witness my Hand, *C.D.* Justice of the Peace
for .

If the aforegoing Declaration be made by any other Person than the Purchaser of the Annuity or the Nominee, then such Declaration must be accompanied by the following, to be made by the Purchaser of the Annuity.

No. 3.

I (*G.H.*) of (*a*)
do declare, That I solemnly and conscientiously believe the Contents of the aforegoing Declarations to be true.

The Person who makes this Declaration must sign here. } Witness my Hand, (*G.H.*)

Declared before me this Day of 183 ,
at in the County of .

Witness my Hand, *C.D.* Justice of the Peace
for .

(*a*) The Profession or Quality of the Party must be stated.

NOTICE.

* See Note at Foot.

If Bank Annuities, or Long Annuities, or Annuities for Terms of Years, shall be transferred, or Payment shall be made in Money, between the 5th Day of January exclusive and the 5th Day of April inclusive - - - - -	The Life Annuity will become payable the 5th July and 5th January in every Year.
If between 5th April exclusive and 5th July inclusive - - - - - -	It will become payable the 10th October and 5th April in every Year.
If between 5th July exclusive and 10th October inclusive - - - - - -	It will become payable the 5th January and 5th July in every Year.
If between 10th October exclusive and 5th January inclusive - - - - -	It will become payable the 5th April and 10th October in every Year.

Note.—Neither Bank Annuities, nor Long Annuities, nor Annuities for Terms of Years, can be transferred during their shutting.

* Take notice.—The 4th of April, the 4th of July, the 9th of October, and the 4th of January are the last Days in each Quarter on which Contracts can be entered into to enable the Transfer of Stock or Payment in Money, on the 5th of April, the 5th of July, the 10th of October, and the 5th of January, for the Annuity to become payable as above stated. If either of the last-mentioned Quarter Days should happen to fall on a Sunday then the Contract must be entered into on the 3d of April, the 3d of July, the 8th of October, and the 3d of January.

No. XI. a.

This Declaration must be made by some disinterested Person having Knowledge of the Age, Names, Addition, and Employment or Occupation, and Place of Abode of the Nominee, and also the Place of his or her Birth, and the Names of his or her reputed Parents, &c. The Christian as well as the Surname and Place of Abode must be written at full Length, and the Profession, &c. of each Person named in the following Declaration must also be stated.

I (*E.F.*) of (*a*)
do solemnly and sincerely declare, That *A.B.* of
(*a*) is a Person whom I have well known for many Years, and that to the

(*a*) State Profession or Quality.

best

best of my Knowledge and Belief was born at in the (*b*) of and that the Names of Parents or reputed Parents were of (*a*) and that is of the Age of Years and upwards; and I do also declare that the said is the same Person named and described in the annexed Declaration as the proposed Nominee; and further, that I verily believe the whole Contents of said Declaration to be true; and I make this solemn Declaration conscientiously believing the same to be true.

The Person who makes this Declaration must sign here. } Witness my Hand, (*E. F.*)

Declared before me this Day of 183 , at in the County of .

Witness my Hand, *C. D.* Justice of the Peace for .

(*a*) State Profession or Quality. (*b*) Parish.

No. XII.

NATIVES.—WITH REGISTER.

Forms for the Purchase of Government Life Annuities, which must be strictly attended to.

No. . Annuity . Value .

DECLARATION.—SINGLE LIVES.

No. 1.

This DECLARATION will be filled up at the Office.

To be signed by the Purchaser, or by some Person on his or her Behalf.

I of do hereby declare to the Commissioners for the Reduction of the National Debt, That I am desirous on the Behalf of to to the said Commissioners the Sum of for the Purchase of a Life Annuity; and I do hereby nominate now of the Age of Years, to be the Person on the Continuance of whose Life the said Annuity is to depend, and whose Age is certified and verified by the Certificates and Declarations now produced.

To be dated on the Day of Contract. } Witness my Hand this Day of 18 .

Insert under No. 2. a true Copy of the Register so far as relates to the Birth or Baptism of the Nominee, and state whether the Commencement of the Year in the Register is on the 25th of March, according to the old Style, or on the 1st of January, according to the new Style. If it be according to the old Style the Year must be inserted thus: Example, "1740 *ending* 1741," *stating the Year, as the Case may be.*

No. 2.

I do hereby certify, That the aforegoing is a true Copy, extracted from the Register of the Parish of in the County of .

Witness my Hand, *A. B.* Minister of the said Parish.

Signed by the said Minister in the Presence of us, this Day of 18 .

Witness *C. D.* of .

Witness *E. F.* of .

Note.—If the Minister be absent the above Certificate may be signed by Two Churchwardens or Overseers of the Parish in the Presence of Two Witnesses, but the Words "in the Absence of the Reverend *A. B.* the Minister of the said Parish" must follow the Mark * above.

Appendix C.

Forms of Declarations substituted in lieu of Oaths.

No. 3.

DECLARATION to be made by One of the Witnesses to the aforegoing Register before any Justice of the Peace or Magistrate acting for the County, City, Riding, Town, or Place wherein this Declaration shall be made.

I *C.D.* or *E.F.* of do solemnly and sincerely declare, That I have examined and compared the aforegoing Copy of the Register of the Birth (or Baptism) of with the Register of the Parish of in the County of and that I saw the Rev. *A.B.* the Minister of the said Parish, sign the said Certificate of the aforegoing Copy, which is a true Copy of such Register, and that the Names of myself and *E.F.* Witnesses to the signing the said Certificate by him the Minister of the Parish aforesaid, are of our own proper Handwriting; and I make this solemn Declaration conscientiously believing the same to be true.

The Person who makes this Declaration must sign here. } Witness my Hand, *C.D.*

Declared before me this Day of 18 ,
at in the County of .

Witness my Hand, *G.H.* Justice of the Peace
for .

No. 4.

DECLARATION to be made by the Purchaser, or by some Person on his or her Behalf, before any Justice of the Peace or Magistrate acting for the County, City, Riding, Town, or Place wherein this Declaration shall be made.

I *I.K.* do solemnly and sincerely declare, That *L.M.* named in the aforegoing Copy, extracted from the Register of the Parish of in the County of am (or is) the Person who is appointed to be the Nominee on whose Life an Annuity is proposed to be purchased; and I make this solemn Declaration conscientiously believing the same to be true.

The Person who makes this Declaration must sign here. } Witness my Hand, *I.K.*

Declared before me this Day of 18 ,
at in the County of .

Witness my Hand, *G.H.* Justice of the Peace
for .

The Persons who make the Declarations Nos. 3 and 4 must insert their Christian Names, Place of Abode, and Quality, in the Body of them, at full Length.

NOTICE.

* See Note at Foot

If Bank Annuities, or Long Annuities, or Annuities for Terms of Years, shall be transferred, or Payment shall be made in Money, between the 5th Day of January exclusive and the 5th Day of April inclusive - - - - -	The Life Annuity will become payable the 5th July and 5th January in every Year.
If between 5th April exclusive and 5th July inclusive - - - - - -	It will become payable the 10th October and 5th April in every Year.
If between 5th July exclusive and 10th October inclusive - - - - -	It will become payable the 5th January and 5th July in every Year.
If between 10th October exclusive and 5th January inclusive - - - - -	It will become payable the 5th April and 10th October in every Year.

Note.—Neither Bank Annuities, nor Long Annuities, nor Annuities for Terms of Years, can be transferred during their shutting.

* Take notice.—The 4th of April, the 4th of July, the 9th of October, and the 4th of January are the last Days in each Quarter on which Contracts can be entered into to enable the Transfer of Stock or Payment in Money, on the 5th of April, the 5th of July, the 10th of October, and the 5th of January, for the Annuity to become payable as above stated. If either of the last-mentioned Quarter Days should happen to fall on a Sunday then the Contract must be entered into on the 3d of April, the 3d of July, the 8th of October, and the 3d of January.

No. XIII.

Oaths of Lieutenants of Scotch Counties.

Oaths of Lieutenants of Scotch Counties.

At the Council Chamber at St. James's, the of

Present,

I *A.B.* Lieutenant of the County of this Day before the above-mentioned Lords of the Privy Council, took and subscribed the Oaths of Allegiance and Abjuration, and also subscribed the Assurance, conformable to what is required by an Act passed in the First Year of the Reign of His late Majesty King George the First, intituled "An Act for encouraging all superior Vassals, Landlords, and Tenants in Scotland, &c." which Oaths and Assurance are as follows; viz.

"I *A.B.* do sincerely promise and swear that I will be faithful and bear true Allegiance to His Majesty King William. So help me God."

"I *A.B.* do truly and sincerely acknowledge, profess, testify, and declare in my Conscience before God and the World, That our Sovereign Lord King William is lawful and rightful King of this Realm and all other His Majesty's Dominions thereunto belonging; and I do solemnly and sincerely declare, that I do believe in my Conscience that the Person pretended to be Prince of Wales during the Life of the late King James, and since his Decease pretending to be and taking upon himself the Style and Title of King of England by the Name of James the Third, or of Scotland by the Name of James the Eighth, or the Style and Title of King of Great Britain, hath not any Right or Title whatsoever to the Crown of this Realm or any other the Dominions thereunto belonging, and I do renounce, refuse, and abjure any Allegiance or Obedience to him; and I do swear that I will bear Faith and true Allegiance to His Majesty King William, and Him will defend to the utmost of my Power against all traitorous Conspiracies and Attempts whatsoever which shall be made against His Person, Crown, or Dignity; and I will do my utmost Endeavour to disclose and make known to His Majesty and His Successors all Treasons and traitorous Conspiracies which I shall know to be against Him or any of them; and I do faithfully promise to the utmost of my Power to support, maintain, and defend the Succession of the Crown against him the said James and all other Persons whatsoever, which Succession, by an Act, intituled "An Act for the better Limitation of the Crown and better securing the Rights and Liberties of the Subject," is and stands limited to the Princess Sophia Electress and Duchess Dowager of Hanover, and the Heirs of her Body being Protestants. And all these things I do plainly and sincerely acknowledge and swear according to these express Words by me spoken, and according to the plain and common Sense and Understanding of the same Words, without any Equivocation, mental Evasion, or secret Reservation whatsoever; and I do make this Recognition, Acknowledgment, Renunciation, and Promise heartily, willingly, and truly, upon the true Faith of a Christian. So help me God."

"I *A.B.* do, in the Sincerity of my Heart, assert, acknowledge, and declare that His Majesty King William is the only lawful and undoubted Sovereign of this Realm, as well de jure, that is, of right, King, as de facto, that is, in the Possession and Exercise of the Government; and therefore I do sincerely and faithfully promise and engage, that I will with Heart and Hand, Life and Goods, maintain and defend His Majesty's Title and Government against the Person pretended to be Prince of Wales during the Life of the late King James, and since his Decease pretending to be and taking upon himself the Style and Title of King of England by the Name of James the Third, or of Scotland by the Name of James the Eighth, or the Style and Title of King of Great Britain, and his Adherents, and all other Enemies, who, either by open or secret Attempts, shall disturb or disquiet His Majesty in the Possession and Exercise thereof."

No. XIV.

Extracts from printed Minutes of Synods in Ireland; transmitted to W. Rose, Esq., Clerk of the Committee.

Extracts from printed Minutes of Synods in Ireland.

Sir, Dublin, 17th June 1837.

In transmitting, agreeably to your Request, Copies of the Resolutions passed last Year by the Two Presbyterian Synods of Ireland, against being compelled to take Oaths in a Form contrary to their Religious Belief, permit me briefly to state, that Advantage has been taken by unprincipled Men of this Scruple, by obtaining Goods from Presbyterian Shopkeepers on Credit, well knowing that no legal Process would be taken against them if an Oath were required in Court from the Creditor, because he would rather forego his just Right than violate his Conscience by swearing in the customary Mode of kissing the Holy Scriptures. Presbyterians summoned as Jurymen have paid a Fine for Non-attendance, although anxious to attend, if allowed to be sworn in the Scots Form. At the Dublin Commission of 1833 a Street Robber escaped Prosecution because the leading Witness was a Presbyterian, who declined being sworn by kissing the Holy Scriptures, but

Appendix C.

Extracts from printed Minutes of Synods in Ireland.

was quite ready to be sworn by repeating the Words of the Oath with the Right Arm uplifted. This Privilege was refused, and after One Day's Detention the Witness was dismissed, and also the Criminal. Similar Cases have elsewhere occurred.

A Hindoo, a Jew, a Roman Catholic, are permitted to be sworn in the Manner most binding on them. But the Presbyterian out of Scotland is less favoured, although there is no Act of Parliament requiring Witnesses to be sworn by kissing the Holy Scriptures. The Act of 1833 renders Moravians and Quakers eligible Witnesses in all Courts without any Oath; and cannot Presbyterians out of Scotland be equally protected? In Ireland they form a great Part of the Protestant Population; but for the last Fifteen Months it is ruled that, without an Act of Parliament, they must all swear by kissing the Holy Scriptures, or be guilty of Contumacy. This may be Law, but it is not Justice to them as loyal and peaceable Subjects; nor is it Justice to the State, for if Criminals escape by conscientious Refusal of giving Evidence the State is injured most materially.

From the distracting Condition of Ireland it was not deemed prudent to send up Petitions this Sessions to Parliament, but a Hope was entertained that the Lords Committee might condescend to examine the Case, and perhaps silently relieve the Disability. If the Irish Act of 1781, allowing seceding Presbyterians to be sworn in the Scots Form in Civil Cases were extended to all Presbyterians and in all Courts a very great Obligation would be conferred on the Presbyterian Church of Ireland. The Duke of Richmond's Connexion with Scotland enables him to know how anxiously Presbyterians feel on this Matter, although unwilling to be noisy Petitioners at any Time; and should his Grace or their Lordships Committee require any further Information it will be most cheerfully forwarded.

I am, Sir,

Your most obedient Servant, &c.

No. 1.

Extract from the printed Minutes of the General Synod of Ulster held at Armagh on 28th June 1836.

"The objectionable Mode of administering Oaths in Courts of Justice was again taken into consideration, when it was moved and unanimously agreed to, 'That inasmuch as this Synod has already declared the Mode of administering Oaths by kissing a Book, generally marked with the Sign of the Cross, to be superstitious and on several Grounds objectionable, and the Manner of enforcing it in Courts of Justice to be grievous, and inasmuch as the Synod is still of the same Mind, the Government Committee are hereby directed and empowered to inquire into the most efficient Means that can be taken towards obtaining Relief from this Grievance, and, if necessary, to petition Parliament in the Name of this Synod upon the Subject, and take such other Steps as may appear most likely to effect this very desirable Object.'"

No. 2.

Extract from the printed Minutes of the Presbyterian Synod of Ireland, distinguished by the Name of Seceders, held at Armagh on 18th August 1836.

"A Memorial was received from the Session of the Congregation of Larne, praying, 'That the Synod do forward a Petition to Parliament to have every Disability and Exception removed that lieth against us as a Body in regard to our swearing with an uplifted Hand.' The Prayer of the Memorial was granted. Rev. Joseph Lowry, and Professors Edgar and Wilson, were appointed to prepare and forward a Petition accordingly. They were also instructed to prepare a Draught of a Petition to be forwarded for Signatures to the several Congregations in our Connexion."

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No. XV.

PAPER, containing a SUGGESTION touching the proving of DEEDS by DECLARATION in lieu of AFFIDAVIT in the COLONIES.

Die Lunæ, 26° *Junii* 1837.

The Lord in the Chair lays before the Committee the following Paper, which is read.

"It is respectfully submitted that the different Acts as proposed by the Colonial Legislatures with reference to 5&6W.4. c.62. will not alone suffice, for those local Acts profess only to legalize Declarations made in pursuance of the Act of the Imperial Parliament. Now, the 16th Section of that Act is not a Clause having a general Operation, but operating only in Cases provided for by the 15th Section,—in fact the 15th and 16th Sections are one; try it in this Way: no one could contend that a Declaration only would suffice to prove a Deed in this Country, either vivâ voce in open Court or for the Purposes of recording it in either of the superior Courts, or that such Proof would suffice to get a Deed registered in Yorkshire or Middlesex; being thrown back then on the 15th Section, that Clause authorizes the Magistrate to administer the Declaration in Cases in which any Action or Suit shall be depending; if no Action or Suit be depending, then the Magistrate is not authorized to administer the Declaration, and the Declaration is not made in pursuance of the Act. In Cases of mere recording of Deeds no Action or Suit is pending. The old Colonial Acts say, that Deeds proved in a particular Way and recorded shall be effectual to pass Real Estates, bar Entails, the Rights of Married Women, &c. If they be recorded upon Proof, other than that provided by the Acts, it may be open to contend that they are improperly recorded, and the Entails, &c. not effectually barred. What seems wanting, therefore, is an Act of the Imperial Legislature declaring that in all Cases in the Colonies wherein by the Laws now or lately there in force it has been usual to prove Deeds, &c. by Affidavit, it shall be lawful to prove them by Declaration in the Form, &c., and authorizing Magistrates, &c. to administer that Declaration; and declaring that all Deeds, &c. heretofore proved in the Form stated in the Act 6th Will. IV., and recorded, shall be effectual for all Purposes in the same Manner as if the Declaration of the Execution of such Deeds had been properly administered."

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GENERAL INDEX.

TO

THE PRINCIPAL MATTERS,

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REPORT

FROM THE

SELECT COMMITTEE

ON

INTERNAL COMMUNICATION TAXATION;

WITH THE

MINUTES OF EVIDENCE.

Ordered, by The House of Commons, *to be Printed,*
30 *June* 1837.

Jovis, 18° *die Maii*, 1837.

Ordered, That a Select Committee be appointed to consider whether the present amount of Taxation collected on Internal Communication, and various modes of Travelling, may not be levied by a more just and equitable apportionment; and to report their Observations thereupon to The House:—And a Committee is appointed of—

Mr. Gillon.
Mr. Poulett Thomson.
Sir Henry Parnell.
Mr. Dugdale.
Sir Harry Verney.
Mr. Foster.
Mr. Loch.
Sir G. Sinclair.
Mr. E. Denison.
Mr. Parker.
Mr. Handley.
Sir T. Fremantle.
Mr. Mackinnon.
Mr. William Miles.
Mr. M. Philips.

Ordered, That the said Committee have power to send for Persons, Papers and Records.
Ordered, That Five be the Quorum of the said Committee.

Veneris, 30° *die Junii*, 1837.

Ordered, That the Committee have power to report their Observations, together with the Minutes of the Evidence taken before them, to The House.

Lunæ, 22° *die Maii*, 1837.

Mr. Foster.
Mr. Parker.
Mr. Dugdale.
Sir T. Fremantle.
Mr. Gillon.
Sir G. Sinclair.

Mr. GILLON called to the Chair.

[Adjourned to Wednesday week, One o'clock.

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REPORT.

THE SELECT COMMITTEE appointed to consider whether the present amount of TAXATION collected on INTERNAL COMMUNICATION, and various modes of TRAVELLING, may not be levied by a more just and equitable apportionment, and to report their Observations thereupon to The HOUSE; and who were empowered to report the MINUTES of EVIDENCE taken before them;——HAVE examined the matters to them referred, and have agreed to the following REPORT:—

THAT it appears to Your Committee that a great inequality exists between the rates of taxation imposed on the different modes of internal communication,—all land travelling, where the motive power is animal, being heavily taxed, while land travelling, where steam is the motive power, is comparatively lightly burthened; and the conveyance of passengers by steam in rivers or arms of the sea is free from every species of taxation.

The taxes on land travelling by Animal Power consist of the following particulars:—

1st. The assessed taxes on carriages and horses kept for private use.

2d. The post-horse duty.

3d. The duty on carriages kept to let for hire, being 5*l.* 5*s.* on each carriage with four wheels, and 3*l.* 5*s.* on each carriage with two wheels.

4th. The license duty paid by each postmaster, being 7*s.* 6*d.* per annum.

5th. The mileage duty on stage-coaches, being on a scale as set forth in the Schedule to the Act 2 & 3 Will. 4, c. 120.

6th. The license duty on stage-coaches, being 5*l.* on each coach kept to run, and 1*s.* on each supplementary license.

7th. The assessed tax on coachmen and guards.

8th. The assessed tax on draught horses.

The last seven heads amounting together, during the twelve months preceding the 5th January last, as nearly as the sums can be ascertained, to 855,829*l.* 18*s.* 2½*d.*, exclusive of the assessed tax paid on horses let to hire for twenty-eight days and upwards. Detailed accounts of the respective amounts of these several heads of taxation during the last three years will be found in the Evidence, p. 23, as furnished by the Office of Stamps and Taxes.

The taxation on land travelling by Steam Power consists of a mileage duty on the passengers conveyed, being one halfpenny per mile on every four passengers; but there is this broad distinction to be observed between steam and stage coaches, that while the former are charged only on the passengers actually conveyed, the latter are charged on the number of passengers the coach is licensed to carry, whether it be full or empty. Besides this, the railway companies have been frequently permitted by the Treasury to compound for their taxes at a very low and perfectly illusory rate,—an indulgence which has been uniformly refused to the proprietors of stage-coaches, and which does not appear to be consistent either with justice or expediency. A return of the amount of the mileage duty and compositions paid by the railway proprietors in England during the last three years will likewise be found in the Evidence, p. 23.

Very valuable evidence was submitted to Your Committee by Sir Edward Lees, Secretary to the Post-office at Edinburgh, as to the increased speed, security and cheapness with which the post might be conveyed over the cross roads of Scotland by the establishment of mail-cars similar to those now in use in Ireland, thereby increasing the Revenue, and opening up districts now altogether destitute of any mode of public conveyance: the same remarks would necessarily apply to many cross roads in England. The grand obstacle, however, to the establishment of these cars is the heavy taxation on travelling, which utterly deters individuals from engaging in such speculations; while in Ireland, where the roads are decidedly inferior, but where none of these taxes exist, cheap and expeditious public conveyances are every where to be found. It does not appear clear why the mail-coaches conveying the post should be charged with any mileage or other duty, because it must be obvious that what is gained by the Office of Stamps and Taxes is repaid by the Post-office department in their contracts for carrying the mails, with the additional loss of the poundage allowed to the Distributors of Stamps; whereas, were the mails to run free of duty, a premium would in many instances be offered for the privilege of carrying them.

The Postmasters complain much of the heavy duties to which they are subject; but Your Committee would direct especial attention to the duty of 5*l.* 5*s.* on carriages with four wheels, and 3*l.* 10*s.* on carriages with two wheels. It frequently happens that Postmasters are compelled to keep vehicles of different descriptions to suit the taste of their customers at different seasons of the year, on all which duty must be paid, although only one is used at a time. It appears also that this tax prevents the establishment of chaises or gigs at many places on the lines of turnpike roads and railways where they would otherwise be kept, thereby affording to travellers facilities for visiting the more remote districts of the country which they do not now enjoy.

By a small license duty in the nature of an entry with the Excise, by having the name of the owner painted on a conspicuous part of the vehicle let to hire, and by a system of tickets as now in use under the Post-horse Duty, it appears to Your Committee that frauds on the Revenue might be effectually prevented.

Your Committee therefore earnestly recommend, under all circumstances, the abolition of the duty on carriages kept to let for hire, by which it is to be anticipated that the Revenue would gain more in the additional amount of horse duty than it would lose in the duty proposed to be abolished.

Many post and coach masters who were examined by Your Committee, connected with various lines of road throughout the country, more particularly those which come in competition with steam-power, stated the ruin which is daily approaching them, and their utter inability, loaded as they are with a heavy taxation, to compete with untaxed steam-power: similar evidence was tendered from almost every district in the island. Some valuable information as to the amount of taxation paid by stage-coach proprietors will be found in the evidence of Mr. Horne, Mr. Wheatley, Mr. Wimberley, and Mr. Kemplay.

As far as an approximation can be made to the truth by comparing the rate of duty and the average number of passengers conveyed, it appears that for every such passenger the railway proprietors pay one-eighth of a penny per mile of duty, the stage-coach proprietors fully one-fourth, and the postmasters three-fourths of a penny, while the conveyance of passengers by water, as formerly observed, is entirely free from duty.

It seems absolutely essential that this great disproportion should speedily be put an end to, not only in common fairness to the different parties who have embarked their capital in a line of business which they now find rapidly leaving them, but also with a view to the maintenance of the public roads, the use of which can never, under any circumstances, be dispensed with. The evidence of Sir John Hall will show what has already been the effect of the competition of untaxed steam-power on a portion of the great northern road, and how very unfairly it acts in Scotland, where the Trustees have in many instances incurred personal liabilities for the public advantage, on the faith of repayment from the funds of the roads. It appears that steam-boat proprietors enjoy the further

privilege

privilege of being retailers of wine and spirits without being called on for the payment of Excise licenses, such as are levied from all innkeepers on shore,—a distinction for the further continuance of which there seems to be no justification.

If it shall be necessary that a sum somewhat equivalent in amount to what is raised at present should still continue to be levied on travelling, there does not seem to be any fairer mode of doing so than that suggested in the evidence of Mr. Smith, of the Stamp and Tax Office.

Mr. Smith suggests that the proprietors of railways should be charged with a halfpenny of duty per passenger, for every four miles or fraction of four miles; that a similar amount of duty should be levied on steam-boats, the number of passengers being ascertained, in both instances, by a system of stamped tickets, as more fully detailed in his evidence; and the distance in the case of steam-boats being ascertained by the land distance, except when the distance by water is shorter. This would necessarily apply to canals as well as to rivers or arms of the sea, and whether the motive power was steam or animal; that stage-coach proprietors should be charged one halfpenny per mile for every four sittings prepared in or about their coach.

This would still leave the advantage in favour of steam-power, of being charged only on the passengers actually conveyed, while stage-coaches would be charged on all they are licensed to carry; an inequality, however, which it does not seem very easy to obviate. Mr. Smith further suggests the reduction of the Post-horse Duty by one halfpenny per mile per horse, which, from the increased travelling that would arise, he thinks would not materially diminish the Revenue.

On the whole, however, considering the objections which would undoubtedly arise to the imposition of a tax on a mode of communication now so extensively in use, and the immense advantage to every class of the inhabitants of a commercial country of cheap and expeditious travelling, Your Committee earnestly recommend the abolition of all taxes on public conveyances and on carriages generally, at the earliest period consistent with a due regard to the financial arrangements of the country. It appears to Your Committee, that though the diminution of revenue in consequence of the adoption of such a course might at first appear considerable, it would in a great measure be compensated by the increased consumption of taxable commodities, while the inequality now so justly complained of would be removed, and a great accession afforded to the prosperity and comfort of the population.

June 1837.

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MINUTES OF EVIDENCE.

Mercurii, 31° die Maii, 1837.

MEMBERS PRESENT :

Mr. Foster.	Mr. Loch.
Sir Henry Parnell.	Sir Harry Verney.
Mr. Gillon.	Mr. Parker.
Mr. Dugdale.	Sir Thomas Fremantle.
Mr. W. Miles.	

MR. GILLON IN THE CHAIR.

Mr. *Benjamin Worthy Horne*, called in; and Examined.

Mr. *B. W. Horne.*

31 May 1837.

1. *Chairman.*] YOU are extensively engaged in business as a proprietor of stage coaches, are you not?—I am.

2. Do you find that that business at present is a remunerating or an increasing one?—It varies according to the seasons of the year; the last year and a half we have had difficulties to contend with in a threefold way.

3. Have you found that you have had greater difficulties within these last few years than formerly to contend with in your business?—On certain lines of road we have.

4. On what lines of road do coach proprietors experience the greatest difficulty?—All roads where water affects us; for instance, the Leeds and Grantham, Newark, Nottingham, and all that line of country; also the Edinburgh and York trade.

5. When you say water, you mean competition by steam?—Yes, it is by steam now mostly.

6. With the prospect of a great extension of steam conveyance by land as well as by water, do you expect that your business will continue to be a remunerating one?—I expect it will be annihilated.

7. To what do you attribute this prospect of annihilation in the stage-coach business?—From the effects of railroads.

8. But to what particular circumstance do you attribute this?—To the heavy expenses and disbursements we are subject to in carrying on our business, the tolls and duty.

9. Do you attribute any part of that to the taxation which affects you?—Decidedly it does affect us, but that alone would not relieve us; it would relieve us on certain parts where the railways do not directly operate against us; but on any particular line of road, for instance, say direct to Birmingham, of course we could not maintain our position one minute; but in the surrounding neighbourhood, for instance, 15 or 20 miles from the railroad, by a reduction of the duty, we might be enabled to carry on our business.

10. Sir *Henry Parnell.*] And in that case a moderate rate of duty would produce more revenue than keeping up the high rate?—Decidedly.

11. *Chairman.*] Just give a reason for that?—My reason for that is, that if we have the opportunity of conveying people at a less price, the inducement will be to support us by stage-coaches where the line is not direct with the railway; but we shall not be able to reduce our prices with the present expenses.

12. Do you think that if you were relieved of taxation, you could compete with the railway in a parallel line, or in an immediately contiguous line?—It is a most difficult task to answer that question; not unless we have relief by tolls as well as by duty; quite impossible.

13. Then your former observations referred to parallel lines to a railway?—Just so, without which we certainly shall not be able to keep them on.

Mr. *B. W. Horne.*

31 May 1837.

14. State to the Committee what are the taxes you are subject to on your stage-coaches?—A graduated scale of mileage duty; if four passengers, 1*d.* per mile a single mile; six passengers, 1½*d.*; nine, 2*d.*; twelve, 2½*d.*; fifteen, 3*d.*; eighteen, 3½*d.*

15. Sir *Henry Parnell.*] Is that inside and out?—Either in or out.

16. And whether the carriage has four wheels or two?—Two or four horses, or six, or two, or one; that makes no difference.

17. *Chairman.*] You pay that duty, then, upon what your coach is licensed to carry, whether full or empty?—Just so, with the option of taking out a supplementary license for more or less.

18. Of course you very often in this way have to pay duty on seats which are not filled?—I should say at least five times out of six.

19. Sir *Henry Parnell.*] What is about the average?—The average is about two insides and eight out; when you take a license out for fifteen passengers, it is about ten, about two parts out of three.

20. Is that up and down?—Take it each way; if we are licensed for twelve, we consider about eight passengers on the average.

21. Each way?—Each way; we pay each way, and then we are licensed for twenty-four passengers when we carry sixteen.

22. *Chairman.*] Have you made any calculation as to the difference of duty by carrying passengers on any certain line of road, say the Birmingham road, according to the duties which you pay, and according to the railway scale?—Yes.

[*The same was handed in, and is as follows:*]

Coaches to Birmingham, say 108 miles,—

	£.	s.	d.
If licensed for 15 passengers, say average 10, at 3*d.* single mile, is per journey	1	7	–
Railway, at half a farthing per head, say 10 passengers, ditto	–	11	3
£.	–	15	9

being 2*s.* 8½*d.* duty each passenger by coach;
„ 1*s.* 1½*d.* - - ditto - - by steam.

	Birmingham.	Liverpool and Manchester.
Horne	3	3
Chaplin	2	7
Sherman	3	3
Gilbert	1	0
Mountain	1	1
Nelson	0	1
	10	15

		£.	s.	d.	At 365 days
10 Birmingham Coaches	difference between Steam and Coach	7	17	6	72½
15 Liverpool and Manchester		23	12	6	
6 Coaches between Liverpool, Manchester and Birmingham		4	14	6	730
					2,555
	Up	36	4	6	26,280
	Down	36	4	6	182
	£.	72	9	–	£. 26,462

23. Then the statements you have made hitherto refer to the direct Birmingham and Liverpool coaches?—And Manchester.

24. But I suppose, when the Birmingham railway is opened, there will be other lines of road affected also?—Materially.

25. Have you made any similar calculation with regard to those coaches?—It is only imaginary; of course it cannot be otherwise at present; I presume one-half of them would be discontinued.

26. And does the calculation which you have made show the difference of expense of carrying the passengers upon those lines?—It shows upon the direct lines the difference in passengers.

27. The

Mr. *B. W. Horne.*

31 May 1837.

27. The further statement?—Yes, I have taken that in the same proportionate way as I have calculated the other.

28. Read it?—There is the Worcester coaches and mails, four; Leeds, four; York, five; Leicester, one; Nottingham, four; in the whole, eighteen. The probable reduction upon those coaches would amount (the difference of duty) to about 8,820*l.*; that upon the direct line would be 26,462*l.*, making a total of 35,282*l.*; that is merely the difference of duty.

29. That is the difference of duty?—Yes, between a stage-coach and what the railway would carry them at.

30. That is the difference of mileage duty only?—Of mileage duty only.

31. Then you pay other taxes besides this, don't you?—I pay 5*l.* for a license annually; 1*l.* 5*s.* for each servant; that is, each coachman and guard.

32. Are there any of the regulations as to the mode of collection which you complain of?—I think it is a hardship that if a person tenders his own check (even if tendered a day or two before the day of payment), it will be refused at the Stamp Office.

33. Sir *Henry Parnell.*] Is there not some regulation about putting the name of the proprietors on coaches, that sometimes leads to inconvenience?—There is no inconvenience at all in it, or any thing of the kind; not the least.

34. *Chairman.*] You are liable to pay a 5*l.* license, if you run it only one day?—Yes; that is, if we run it after the first Monday in October, we then are liable for the year. The same with the assessed taxes, after the 5th of April we are liable for the whole year; if we run on the 6th, we pay then the assessed tax for the one day, the same as for the year.

35. Would not the taking off of these licenses afford a great facility to the establishment of additional coach conveyance, especially on cross roads?—I do not think that it will perhaps cause a coach to be increased or diminished the expense of the 5*l.*; in trifling affairs, such as two or three miles, I dare say it would encourage men to keep them.

36. Do not you think, if that were removed, conveyances would be established for cross country roads, to take passengers that are set down by coaches on great lines?—It would have no effect where there is a general business; it would in some minor positions, in all probability.

37. Have you any suggestions to make by which you think your business would be ameliorated or improved?—We are now labouring under very great disadvantage in Kent, and it is merely the spirit of opposition between us that we do not come to terms, otherwise we should drop one-third of our Kent coaches, and I think it will be done next week. The Chatham coaches have already reduced from six to two, and those are very indifferent, hardly likely to be continued; a relief in duty upon those coaches in particular certainly would keep them on.

38. Do you mean the whole duty, or a reduction?—I think, in all probability, if we were reduced a little, and our competitors were a little brought up to meet us, we should not require the whole to be reduced; but were we to have competitors, without the same sort of duty attached to them in some shape, we should not be able to continue them at all.

39. What competition do you meet with on the Kent road?—Steam-packets, at 1*s.* and 1*s.* 6*d.* to Gravesend, 5*s.* to Dover, 1*s.* 6*d.* to Ramsgate, and 3*s.* 6*d.* and 4*s.* to Boulogne.

40. Sir *Henry Parnell.*] How many coaches have you now between London and Dover?—Five myself, with government contracts and altogether.

41. But how many are there in the whole?—There are twelve altogether to Canterbury and below, and three between Feversham and Gravesend.

42. *Chairman.*] Then you consider it impossible to stand against the competition of untaxed conveyance?—Decidedly; the relief on the duty alone upon those coaches would enable us to keep them on at the present moment.

43. Sir *Henry Parnell.*] On the different Kent roads?—Yes.

44. Notwithstanding those low steam-rates?—Yes; we could afford to keep our coaches on.

45. *Chairman.*] But you apprehend, in the event of running against a railway, you will not be able to keep on your coaches, even if the duty were abolished?—We fear we shall not, unless we were to compound other matters of business, which we might perchance do, such as tolls and various other taxes.

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46. I asked you before, if you had any suggestion to make for the amelioration of your business?—As I before said, it is a very difficult matter for us to suggest. We have made a simple application for an additional passenger to be allowed, which, by a Treasury Minute, has been promised us, but we have never yet obtained it, although an increase of duty can clearly be shown to have been made by the new scale of duty.

47. Will you suggest to the Committee what relief you would desire to obtain?—The matter has been taken into consideration by others as well as myself; and to compete with railroads it will be necessary to abolish the duty entirely, or increase them and diminish us, so as to bring it upon a more equal footing, and the same as to steam-packets.

48. Do you conceive it would be a very great additional accommodation to the public, were they enabled to run upon the different roads at a much reduced rate of fare, which you would be enabled to charge were the duty abolished?—Decidedly so; there cannot be a greater proof of that than on the Kent road.

49. You have stated lately to the Committee the great pressure of competition in your experience on the Kent road; have you made any calculation of the amount of duty you pay on your coaches running on that road?—The amount of duty I paid for the last year was 2,273*l.* 16*s.* 6*d.*

50. On how many coaches?—On five coaches to Dover, exclusive of the Chatham coach, which duty amounts to 197 *l.* 16*s.* 4*d.*, but now discontinued; we could not really carry it on any longer; we were obliged to drop it even at that duty.

51. Is that for mileage duty only?—That is for mileage duty only; and to convince the Committee of the effect of the duty, it will be re-started again in the month of October, when the packets will not have that effect upon us that they have in the height of summer.

52. From this charge your competitors by steam-power are entirely free?—Entirely free.

53. The same applies, though not to an equal degree, upon the north road?—Upon the north road; for the Liverpool, Manchester and Birmingham line of road I paid 7,017*l.* 16*s.* 5*d.* for the last 12 months; that calculation includes Chester.

54. Have you made any calculation of the total amount of duty you paid upon your coaches during the last year?—I have; the amount of duty paid was 26,717*l.* 5*s.* 6*d.*

55. Which sum must be entirely taken off to put you on an equality with your competitors?—Where steam-power is in operation, either taken off, or the other increased to meet it, so as to bring it to the same thing as being both free.

56. Are there any other observations you would wish to make to the Committee?—I am not aware of any at the present moment, any more than with regard to the coaches below Birmingham: the arrangement was made yesterday for the discontinuance of some in consequence of the railroad; as a proof of what I say, other mails will be established from London to Birmingham, to meet the new projected line.

57. Sir *Thomas Fremantle.*] When is it to be opened?—On the 6th of July, and the Chester mail, which is now running between London and Chester, we only hold upon a two months' notice to cease at any time, in consequence of its not being likely to be patronized between Lichfield and Chester; although not upon the direct line of road, it is not expected to gain its livelihood.

58. What allowance do you receive from government upon that mail?—Upon that mail we receive 6 *d.* per mile, out of which we have to pay our mileage.

59. Then it varies according to the different lines of road, does it?—According to the quality of the mail itself; some mails receive and pay the same; they receive as much money as they pay away to the government for the hire of the coaches. There was one point I forgot to mention, it is in regard to Maidstone; I spoke of a circuitous route as regards the duty, away from any part where we are affected by steam or railroads, for instance Maidstone; there are no less than four coaches to Maidstone, the whole of which this last fortnight have been made into pair-horse coaches, in consequence of the depreciation of trade, by people finding their way across to Rochester, and from Rochester to Gravesend, and so taking the steam-packets to London, whereby they save actually 2*s.*; a reduction of that duty would cause us to vie with them, so that we could bring people from Maidstone to London at something like the same price they pay going round to Rochester.

60. *Chairman.*

60. *Chairman.*] In fact, they go a circuitous route?—Yes; because they can go from London to Gravesend for 1*s.* 6*d.*, and it is only 2*s.* 6*d.* from Gravesend to Maidstone; the consequence of which is, that they get all the way from London to Maidstone for 4*s.*, whereas we cannot carry them for less than 6*s.* Mr. *B. W. Horne.* 31 May 1837.

Mr. *Robert Gray*, called in; and Examined.

61. *Chairman.*] YOU are extensively engaged in business as a proprietor of stage-coaches, are you not?—I am. Mr. *Robert Gray.*

62. On what roads principally?—Chiefly the western road and the south; I have nothing upon the north at all.

63. Have you experienced any decrease in your business from the competition of steam-power?—I cannot say that I have; not to any thing that I can speak of; my communication down to the south is not bordering on the Thames side; I go more inland, and therefore it does not affect me to that extent that Mr. Horne is affected by the communication down to Dover and Margate and there.

64. You have heard the evidence Mr. Horne has given; do you generally concur in the statements he has made?—I do. I concur with the evidence Mr. Horne has given as to the effect, from what little I have a knowledge of upon the Kent road, and hearing every one complain, as they have done, of the coaches travelling generally.

65. Looking to the probability of a vast increase of steam conveyance by land as well as by water, do you conceive that, at the present rates of duty you pay, you will be able to maintain your coaches?—I certainly consider that I shall not be able, particularly on the western road, if the Western railway does take place; I consider that the greater part of my business will be in that state that I shall not be able to compete with them.

66. Do you concur with Mr. Horne in the opinion he expressed of your inability to compete with railways in a direct line, even if free of all duty?—I do certainly; I consider to Bath and Bristol that it will be impossible for us to compete there with the railway, if even the whole of our duty is taken off.

67. And do you also concur in what he stated with regard to parallel lines of road upon which, by a reduction or abolition of the duty, you will be able still to maintain your coaches; if the duty remains as it is at its present rate, will you be obliged to put down your coaches?—I think, without a reduction, we shall be obliged to put them down; but in going parallel lines varying from the railroad, I think, with a reduction of duty, that they might be kept on. I may state, for these last four years, we have had an additional duty put upon us, which to me has made a difference of 600*l.* a year; and I do consider that I have to complain very greatly of that, because I have had no advantage for that additional duty.

68. When was that additional duty laid on?—Four years ago; in October 1832, I think.

69. Sir *Thomas Fremantle.*] What additional amount of duty has been laid on?—A halfpenny a mile; it has had the effect of making me pay 2,400*l.* additional in the four years upon the same quantity of business; my business has continued much about the same. It is much about the same kind of business; there has been neither an increase nor a decrease.

70. *Chairman.*] So that additional duties have been laid upon you at the same time that a competing power has been coming into operation, which is totally untaxed?—I consider so; the duty that I pay is about 7,000*l.* a year; Mr. Horne's I consider is pretty well four times as much.

71. Sir *Thomas Fremantle.*] In addition to the amount of duty of which you complain, have you any objections to make to the mode in which the duty is levied or assessed upon you?—No; I cannot see any objection to the mode.

72. *Chairman.*] All these duties of which you speak, are exclusive of the license and the assessed taxes upon the servants?—Quite so.

73. Have you any suggestions to make to the Committee, as to the mode of relief?—I do not know what can be done when the railroads are established, unless our duties can be reduced, and a duty put upon that kind of conveyance for the public who travel in that way.

74. It would suit your purpose equally well if the duties were abolished upon both, would it not?—Why, yes; I consider the public would have the advantage in going at a cheaper rate; we should be able to do it at a cheaper rate then.

75. Mr. *Dugdale.*] Would you be able to compete with the railroad, if they were abolished entirely?—No, I do not consider we could.

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76. *Chairman.*] You are aware that the railroads are charged duty, not on the number licensed, but on those they actually carry?—So I understand, but I have not myself taken any notice of it.

77. Could you suggest any means by which a similar mode of charge might be adopted in regard to stage-coaches?—I do not see how it could be taken by stage-coaches, they vary so; we start off perhaps with nothing at all, we go perhaps ten miles, and then pick up, and then set down again; that it would, I think, be almost impossible.

78. Mr. *Loch.*] Could you make no composition with the Stamp Office, so as to pay a certain sum annually?—I never heard of such a thing being done.

79. Are there any other remarks that you wish to make to the Committee?—No, I am not aware of any.

Mr. *Henry Gray*, called in; and Examined.

Mr. *Henry Gray.*

80. *Chairman.*] YOU are extensively concerned in the posting business, are you not?—Posting and jobbing generally.

81. Sir *Thomas Fremantle.*] Where do you reside?—Earl-street, Blackfriars, in the City of London.

82. *Chairman.*] You are the chairman of the Association of the Postmasters?—I am.

83. Do you find your business an increasing one just now?—Not as regards posting, certainly not.

84. State to the Committee what are the different items of taxation to which you are liable?—We pay 3 *d.* a mile for the post-horse duty in that respect, and 2*s.* 6 *d.* a day for the three first days in a letting for three days, or in continuation 1 *s.* 9 *d.* a day for the next nine, and in continuation up to twenty-eight, that is twenty-seven inclusive, 1 *s.* 3 *d.* a day, or one-fifth of the sum charged.

85. Besides this, you pay a tax on the carriage?—Yes, five guineas a year on every pair-horse carriage, and 3*l.* 5 *s.* on every two-wheel carriage.

86. Do you pay a license duty?—Yes; the license duty is 7*s.* 6*d.* per annum.

87. Sir *Thomas Fremantle.*] The 1*s.* 3 *d.* is duty on a pair of horses?—No, on one horse; 2*s.* 6*d.* a day the three first days for one horse.

88. *Chairman.*] Do you find the five guinea duty on the chaise an oppressive tax?—We think so, exceedingly; because, as regards a post-chaise, we have to pay 3*d.* a mile duty every time the post-chaise is called into service, at the same time we do not receive any more money for that chaise and a pair of horses, than we do for the pair of horses without the chaise.

89. Does it not happen that you may be obliged, in this way, to pay duty upon carriages which you do not use, as for instance, during summer, your customers will prefer an open carriage, and during winter they will prefer a close one, and you pay duty on both kinds of carriages, though you can only use one at a time?—The half-headed carriages are used for a very short period of the year, and very seldom then; consequently there are many half-headed carriages I have no doubt pay as much duty as their earnings are, although the jobbing-masters and coach-masters are obliged to keep them.

90. Does it not happen that you are frequently charged with a treble duty?—Yes, it does.

91. Explain to the Committee the way in which that happens?—In small lettings, where we let to pay the fifth; for instance, supposing we wished to receive 12*s.* 6*d.* for a horse and carriage, we must add 2*s.* 6*d.* duty to it in order to come somewhere near that amount, and adding that duty, we should then pay the 5*s.*, therefore we should not only be paying duty on the horse but also on the carriage, and also upon the duty itself.

92. In fact it stands thus; you pay a duty on the chaise, you pay the post-horse duty, which is added to the hire, and then you pay one-fifth of the amount, when added together, of the duty for the hire?—Certainly; in truth it may be said we almost pay four duties, because we pay the assessed tax in the first place, we pay one-fifth of the carriage and horse, which are let together, one-fifth upon the carriage and horse, and then on the duty itself, which is added.

93. Would it not be a great accommodation to innkeepers in remote districts of the country, to be relieved from this five guinea duty?—I should consider so, particularly henceforth when the railroads come into operation, because persons will require some conveyance in bye places to get to the railroads, and I feel quite assured

assured that without that tax be taken off they would not be kept, and there will be a great many chaises thrown out of employ from the railroads coming into operation; a very few pounds will purchase them, and many a publican or tradesman who had a horse or two would be inclined to keep a conveyance of that description to be used once a week or so throughout the year, but they would not keep them if they had the duty to pay.

94. Sir *Thomas Fremantle.*] Would not the necessity of the case require such carriages should be kept?—If there is sufficient employ for them; but there is not in the case I suggest.

95. *Chairman.*] In fact, you think that in many places where passengers are set down upon great lines of road or railways, conveyances either of four wheels or two wheels would be kept for the convenience of the public, to carry them across the country on cross-roads, which they will not be able to keep if the duty is continued?—That is my opinion.

96. Sir *Thomas Fremantle.*] But does it appear to you that persons who are set down at a station-house within eight or ten miles of the place they wish to go to, will require a carriage to go to it?—Yes.

97. And will not they be in a situation to pay a sum adequate to remunerate the person who keeps the conveyance, whether the duty be taken off or not?—If the place is large enough, but not in small places.

98. You think, in very small places, the amount of duty may make the difference of its being kept or not?—No doubt of it. I am also of opinion, if the duty were taken off, the revenue would not suffer by it, because I think there would be a much greater number of carriages kept, and they would receive a great deal of duty in the component parts of carriages, equal, or nearly so, to that given up in the aggregate amount.

99. *Chairman.*] Does it not sometimes occur in your business that you pay both the post-horse duty and the assessed taxes upon the same horses?—Yes, in this way; if we only let a horse or horses for one single 28 days in the course of a year, we are liable to the assessed taxes, and those horses are continually working afterwards, and paying the duty also; in truth, the season of London, taking London for example, does not exceed above four months, and therefore the annual duty is paid for those four months.

100. Will you state any other inconveniences that you feel in the present regulations?—With regard to the mileage duty, we feel that it is a very high duty with us, inasmuch as it renders posting generally too expensive, that we are not so employed as we used to be, and also as regards the steam-boat travelling; those things together, we are quite certain, have reduced the trade one-third at least to what it was ten years ago.

101. You cannot yourself so much speak to that, being engaged in business in the metropolis?—I have that information from gentlemen who are present; but my own posting trade in our immediate neighbourhood is certainly reduced that at least. I also think the duty is exceedingly high as regards commercial purposes, because there it fetters trade. We lose a great deal of business on account of that duty. We endeavour to let, at very moderate sums, to travellers to go through the country for a month or more; but when it comes under the month, we are obliged to charge the duty, which they cannot afford to pay, and hence we lose much business that we would otherwise have done; and they also complain, because, in passing through the country, they are obliged to leave out villages and small towns, which they would otherwise like to have taken in their route, but, going by coaches, it is not convenient, and the inhabitants of those places suffer in proportion, no doubt because they must buy their goods second-hand instead of first at the nearest large town or city.

102. In fact, from the press of duty they are driven to travel great lines of road often, instead of hiring gigs or other conveyances, by which they would go along the cross roads through different parts of the country; that is the effect you think it has?—Yes; and it is much more expensive to them to hire in that way than hiring from us in London.

103. Sir *Thomas Fremantle.*] Do not commercial travellers use their own horses and carriages?—I should say not above one-half of them.

104. Those pay no mileage duty?—Oh dear, no; the lowest duty we can pay, which applies to them, chiefly, is the fifth.

105. Have not the commercial travellers, within the last few years, given up the

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the practice of travelling with their own horses and carriages, in order to travel by stage-coaches?—Some have.

106. And they have done that without reference to the mileage duty; the mileage duty was not the reason with them for adopting that course?—No, carriage travelling chiefly; but the other duty, the day duty of one-fifth, has lost me much business, because I could not afford to take less than the one-fifth added to it.

107. What could you reduce posting to, if the duty was entirely taken off?—I think we should be tempted to do it; and I am sure in many parts it would be done for a shilling a mile.

108. Mr. *Foster.*] Have you taken into consideration what will be the effect of the railroads on your business when completed on those lines of road through which your business extends?—I should say to the postmasters and innkeepers on that line of road it would be utter ruin.

109. Annihilation?—Yes.

110. You do not conceive some people will prefer the mode of travelling by horse power?—Not while they can travel so much cheaper.

111. You think it will not be adopted as a luxury?—No; a great deal of attention has been paid with regard to the travelling from Edinburgh to London, and from London to Edinburgh; there we find they can travel so much cheaper, that they go by water.

112. I am speaking by land, where railroads are completed on lines of road through which your business extends?—Nothing short of a total abolition of the duty will enable postmasters to compete with them.

113. Supposing the taxation was abolished with regard to both modes of travelling, can you compete with the locomotive engines with your animal power?—I think we might; we could compete easily with steam-packets; we can show that we can easily compete with the steam-packets, and I think with the railroads, but that I am not certain of.

114. Sir *Thomas Fremantle.*] Has not an alteration been made lately in the mode of collecting the post-horse duty?—Yes.

115. Has that alteration given you any relief?—Not any; it is offensive rather.

116. Is it more offensive than the former mode?—I think so.

117. Will you explain to the Committee in what way it is more offensive?—In consequence of the frequent attendance of the officers upon us, and the way in which they require to examine and take an account of the post-horse tickets, which matter was never before taken any notice of as regards the examination of tickets, except in the Middlesex district, and that only once a year; we balanced the accounts once a year; but in no other county have I been able to hear that an account of tickets had ever been taken.

118. Explain the objection you have to taking an account of tickets; are the tickets left at the turnpike gates?—Yes.

119. By the post-boys who use the horses?—Yes.

120. What objection have you to those tickets being so left?—In many parts, it is considered almost impossible to be correct, because of the hurried manner in which business is required to be performed; and in fact a good deal of the posting business is done in the night; and when posting business is going on, generally speaking, we are doing either little or much, and then it is done in that hurried manner, that it is an easy matter for the tickets to be lost or mislaid.

121. The tickets are printed, and only require the number of miles to be filled in, and the day of the month?—They are frequently left out; servants are sometimes rung up in the night, and they might make out the ticket, and because their employer might not reprove them for it, they might destroy it or lose it.

122. Do you mean that they examine the blank tickets in your possession?—Yes.

123. To see whether you have given them out?—Yes; and they charge us 1*s.* for each horse on the number of horses in the ticket, in case there is any one missing.

124. Mr. *Loch.*] What was the reason of the old method being so much complained of, that there were so many petitions against it?—In consequence of the improper conduct of the farmers.

125. *Chairman.*] But that does not apply so much to the Middlesex district as to other parts of the country?—No, it does not

126. Sir *Thomas Fremantle.*] The conduct of the farmers, under the old system, was very vexatious?—Very bad indeed.

127. They employed very disreputable people to collect the duty for them?—Yes, exceedingly so; taking every undue advantage.

128. Then it is possible, in other parts of the country, relief may have been afforded by the new plan, instead of being an additional vexation?—As regards the frequent attendance of the officer and the examination of the tickets, they considered it very vexatious, and consider it a great hardship indeed.

129 Just explain a little further what is done with reference to the tickets; are the Committee to understand that you receive from the Excise a certain amount of tickets periodically?—Yes.

130. Which you are to account for, either by having them issued as they are wanted, or by your being in possession of blank tickets?—The Exciseman takes an account of the tickets issued to us, and then he takes an account of the tickets that have been entered in the Excise-office, weekly accounts; and after he has struck his balance, if that balance does not agree; if there are any missing tickets we have to pay 1*s.* a horse for the number of horses on the tickets.

131. When do you pay the duty?—Once a month.

132. Do you pay the duty on the number of blank tickets which have been issued to you, or upon the number of filled-up tickets which have gone into the hands of the Excise?—We pay upon the duty which we have entered in the book, because in towns and cities there are many tickets which never go through a gate at all; in a place like London, if a man is at all careful, he would have a surplus number of tickets, but not so on a line of road.

133. Then in addition to issuing the tickets, you keep a book of the amount of duty due to the Government?—Yes.

134. I do not understand how you can be injured by being called upon to account for the tickets in your possession, as you must either have them, or you must have sent them out on some job or other?—We do not feel it so much in London, having always been accustomed to keep an account; but it is vexatious because it is difficult, a man coming in to examine the book, and the account of the day before perhaps may not be entered. But I do really think it is vexatious to the country people, because there may be many lost, they are left to their people, their waiters and ostlers; the post-boys sometimes go out at night, the first and second turn post-boys take them, and if they loose them, the master must pay for them.

135. *Chairman.*] These tickets are frequently liable to be lost?—I should say so.

136. Mr. *Loch.*] I think you said in the beginning of your evidence, you at least had suffered in your business as far as posting went?—Yes.

137. Is there any other branch of your business that has been increased?—By doing a very general business I manage to make the thing up.

138. *Chairman.*] Explain what that general business is?—Yearly job horses, glass coaches, post-chaises and journey horses.

139. That applies to a person situated like yourself in the metropolis, but will not apply to a postmaster in a country district?—Exactly so.

140. How do you pay the duty upon horses jobbed for the day in town, when they do not pass through a turnpike?—We put it down in the stamp office weekly account; we pay 3*s.* 6*d.* for two horses one day, 3*s.* 6*d.* any distance under eight miles.

141. There is no check upon that by the tickets?—We are bound to use a ticket under a penalty we give the ticket to the post-boy or coachman.

142. Sir *Thomas Fremantle.*] What becomes of that if he does not pass through a gate?—Sometimes he does as he pleases with it, at other times he may give it in to the office, or use it a second time.

143. *Chairman.*]—So that in this way an opportunity might be afforded, if you were so inclined, of evading the duty upon those horses?—Yes.

144. Mr. *Foster.*] I suppose you verify your returns upon oath?—My declaration now, formerly upon oath.

145. *Chairman.*] How have you calculated how many passengers on an average you carry post, for each horse hired?—Two I should say, four is considered the average with a pair horse carriage.

146. That would make the duty amount to three farthings a passenger?—Yes.

147. Have you any other observation to make?—With regard to the Dover road,

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road, the posting on that line of road is considered to be reduced four-fifths; formerly there were six posting-houses in the town of Dartford, there are now only two, and they scarcely answer the purpose.

148. What do you attribute this diminution to?—To steam-boat travelling.

149. Mr. *Loch.*] Has not the alteration in the East India trade very much affected the travelling through Dartford?—We have had very little Dartford work indeed since the introduction of steam-boats generally; I am so situated, that the carriages many of them pass by my gate, going to the steam-packets; where I lose, is in my general business.

150. *Chairman.*] You conceive that many gentlemen who formerly would have posted down the Dover road, now embark their carriages in steam-boats direct for Calais or Boulogne?—Yes; I am quite certain of it.

151. The same applies to the North roads?—Yes.

152. Will you suggest to the Committee what alterations you would desire, in order to put you upon a fair level of competition with the steam-power?—If the steam-power is not taxed, I am quite sure we cannot compete with them, unless the mileage duty on post-horses is abolished entirely; and with regard to commercial purposes, I think there ought to be an alleviation there, if not entirely abolished.

153. But you imagine that although either the whole or a modified mileage duty were continued, a relief would be given to the public by the abolition of the license duty upon carriages?—Certainly; but it will be totally impossible to compete with steam-power on the railroads, unless the mileage duty is abolished altogether.

Mr. *Thomas Cass*, called in; and Examined.

Mr. *Thomas Cass.*

154. *Chairman.*] WHERE do you reside?—At Stevenage, in Hertfordshire, on the Great North road.

155. Where you carry on the business of posting to a considerable extent?—Yes; posting exclusively.

156. Have you found your business increase or decrease within the last 10 years?—We have found it decrease in such a proportion that we find the greatest difficulty in carrying it on.

157. Have you diminished the number of horses and chaises you kept?—I have only been able to diminish the number of horses by one pair, for the public travel at certain seasons so much, that at those seasons they do travel, which are very short; there are only about three months in the year that there is any posting at all, that we could not do with much fewer horses than we have to accommodate them.

158. Then the other months in the year you are really left almost without any posting?—Yes.

159. Mr. *Loch.*] What months are those when the posting is so very great?—The meeting of Parliament.

160. *Chairman.*] That is about the end of January?—And from the beginning of August or from the middle of July to September.

161. Is not that the period also when there is the greatest amount of travelling by steam?—I suppose it must be so.

162. Then you are obliged to keep up your number of horses, although you have not a constant demand in trade for them?—We really are. The line of houses having the connexion of families travelling are accustomed to receive them at that time of the year only.

163. Previously to the period to which I have alluded, was your business more regularly spread over the year?—Certainly; entirely so; completely so.

164. And you did not find at that period nearly the difference between the different months in the year that you do at present?—No, by no means.

165. To what do you attribute this alteration?—I should say more particularly, almost entirely, to the competition of steam, because I could enumerate many families who travelled with a great number of horses, that I am aware go entirely by steam.

166. Are you not able to lay down some of these horses during the intermediate periods?—No, I should not know how to get them again for the purpose; I should not be able to get them in condition at the time, and it would not do to buy fresh ones, or to sell; we should get nobody to buy them, except at prices as ruinous as keeping them.

167. So

167. So that in fact you have nearly the same establishment to keep up all the year, notwithstanding the diminution in travelling?—That is actually the case; my post-horse duty in the year 1825 amounted to 503*l.* 3*s.*; last year it was only 310*l.*

168. You attribute this to the competition of untaxed steam-power?—I certainly do.

169. In addition to the mileage duty, you pay a duty on chaises also?—Yes; but I do not look at that as of much consequence, for we keep so few now, that it does not weigh heavily at all upon us.

170. You keep fewer chaises than you did?—Certainly we keep fewer chaises.

171. For what reason?—Because we have no work for them at all.

172. Mr. *Loch.*] Has the number of coaches increased on the north road materially?—No, not for 20 years.

173. *Chairman.*] Have they fallen off?—They are about the same as they were 20 years ago.

174. Mr. *Loch.*] Do the Leeds coaches go down the north road?—Yes, we have the Rockingham and the Union.

175. *Chairman.*] Do not you think that if the five guinea duty were removed off chaises, and the 3*l.* 10*s.* duty off two-wheel carriages, it would be a great temptation to keep them in many places where they are not now kept?—Yes, I should rather think it would be a temptation to keep them; there would be a pair of horses kept at places where there is none now, and a chaise I have little doubt throughout the country.

176. Do not you think it would be a great accommodation to the public in this way; they are set down at villages or stages on great lines of turnpike roads or railroads; at these stages or villages they do not find any means of transporting them across the country, and that a great convenience would be bestowed upon the public by a reduction of this duty, and enabling persons to keep chaises or two-wheel carriages where they do not now do so?—I have heard of no inconvenience upon the subject; I have never heard there has been any inconvenience from any thing of that sort yet, but I dare say there might be when these railroads come into operation, that that sort of thing might be more required, and that the tax would affect them in the way you suppose.

177. You are aware that many individuals send theircarriages now by the steamboats, that formerly used to travel down the north road?—Yes, that I am well aware of.

178. What do you conceive would be necessary to put you upon a fair competition with the rival steam-power?—The entire abolition of the post-horse duty; there is nothing else that would enable us to run at 1*s.* a mile, and then, carrying the number of passengers we continue to do with a pair of horses, we might, with some chance of success, contend with any mode of travelling, because the roads are good, and we could carry many people with a pair of horses, which we do continually.

179. Have you found of late the change as to the mode of collection, which was effected in the beginning of this year, favourable or disadvantageous?—As regards myself, and as regards other members in the trade, whom I am continually communicating with, we consider it very offensive indeed, and a very bad alteration; it is very offensive to the trade.

180. That is, from the inquisitorial nature of the excise inspection?—Yes, where it is perfectly useless; and as for these missing tickets that the trade complains of, it is quite ridiculous, for the government cannot be protected by it at all, because a man who has any intention of defrauding the government does not issue a ticket at all, and therefore the exciseman, by comparing the account of the number of tickets on hand and the number of tickets issued, cannot detect such a circumstance by such means.

181. The annoyance of the exciseman principally alluded to the tickets?—Yes, they call for the book periodically and examine the tickets, and they are situated near the turnpike gate, where they have the opportunity of examining them as often as they choose, of comparing the tickets with those entered in the book, and I should think that is all that is required; at any rate, if there were no disposition to be offensive, it would be all that would be required.

182. All you want is to be put upon an equality, and of course the imposing a tax upon steam would have the same effect as taking the duties off post-horses?—I am certain without that absolute relief we cannot long exist as we are. I will

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be upon my oath, I am managing my business in the most economical way, and with the best luck, which, thank God, I have had, it is impossible to continue in business; I must stop altogether, without a chance of profit.

183. As you have not hitherto diminished to any great extent the number of horses you keep, do you not expect to be able to maintain your present establishment?—I should be afraid to diminish it in that proportion as for it to be advantageous to me, because of the pressure of business on a few horses; if it should accidentally happen that an election were to take place, or any thing of that sort, it would be highly injurious.

184. But you would not continue to keep those horses, if you found it a losing concern?—A time might come when what has been already acquired would be lost; it would become daily less, until I was obliged to relinquish part of my establishment.

185. Do you contemplate, from the extension of steam-power by land as well as by water, you will be obliged to diminish your establishment?—I consider it will annihilate the business altogether, unless relief be afforded in the abolition of the duty; I think there cannot be two opinions upon it.

186. Have you any other suggestion to make to the Committee?—No, I do not know that I have any thing else to say, without it be to tell the plain facts that my business has fallen off; that we are obliged to keep the same establishment in the yard and in the house, expecting something and having nothing.

187. I suppose it is partly by another branch of your business that you are enabled to go on?—It is really by farming.

188. And the house?—No, I would not say the house, because the house is as bad as the yard; as for my part, speaking for myself, the property is my own; but to tell the honest truth, I could not pay rent for it, the business does not admit of a rent being paid for it.

Mr. *John Warsop*, called in; and Examined.

Mr. *John Warsop.*

189. *Chairman.*] WHERE do you live?—At Alcombury-hill, in Huntingdonshire.

190. You carry on the business of posting there?—Yes, I do.

191. To a considerable extent?—To a considerable extent.

192. Have you found that business improving or going back during the last ten years?—I have occupied the same place for the last eleven years.

193. And has it improved or gone back during that period?—Gradually decreased.

194. Do you keep a reduced establishment?—I cannot do that.

195. What is the reason you cannot reduce your establishment, if the traffic is reduced?—In consequence of its coming at different times all together.

196. Have you any statement of the relative amount of duties you have paid at different periods?—I have; I can give you them from 1827 to 1837.

197. Have you made out a comparative statement of the duties, expenditure and profit during the like period?—I have.

[*The same was handed in, and is as follows:*]

Date.	Duty.			Earnings.			Expenditure.		
	£.	s.	d.	£.	s.	d.	£.	s.	d.
March 25 1826 to 1827	533	13	7½	2,619	18	–	1,580	19	–½
„ 1828	495	11	10½	2,463	10	10½	1,707	11	9
„ 1829	457	3	9	2,316	7	10½	1,176	19	9
„ 1830	444	9	10½	2,221	15	5½	1,207	3	7½
„ 1831	480	4	–	2,283	7	9	1,110	–	3
„ 1832	437	–	7½	2,176	14	–	1,140	19	–
„ 1833	405	14	6	1,781	10	8	819	15	10
„ 1834	380	14	3	1,652	14	2	768	10	2¾
„ 1835	378	8	7½	1,642	3	10½	999	9	7
„ 1836	375	12	10	1,618	7	6½	1,114	4	5¾
„ 1837	350	12	5½	1,541	7	4	1,414	10	–

And I should state that the difference in the duty between 1827 and 1837 is 183*l.* 1*s.* 2*d.*, and the difference of the provender between 1827 and 1837 is only 166*l.* 9*s.*

198. Then

198. Then your business is not nearly so equally spread over the year as it used to be?—Certainly not; but I have known, during this session of Parliament, that I have had perhaps from 13 to 15 pairs out in a day, and perhaps for two or three days not half the number; indeed, some days, not a pair moving on the road; several days there is not a pair moving on the road.

199. To what do you attribute this alteration in your business?—Entirely to steam; that we cannot compete with the travelling; our expenses are the same, our establishment we are obliged to keep up the same; we can neither decrease the establishment in the yard nor the house; mine depends entirely on sleeping company from the north, direct from north to south. I am not in a town, nor have I any other business whatever; no drinking company of any description; my business totally depends on the nobility and gentry travelling.

200. You find the decrease affects your house, as well as the posting business?—The decrease of both.

201. And this you attribute to the competition with steam-power?—I attribute it to no other cause than that.

202. If a further extension of this steam conveyance should go on by land as well as by water, do you anticipate a still further pressure on you in the way of your business?—I do. I am connected with coaching with Mr. Horne, whom I have heard examined, and I can find there it makes a very great difference to the public—the mode of travelling; they will go a circuitous route to get to the steam, and avoid coming on our road, in consequence of the cheaper rate of travelling.

203. You are connected with coaching, as well as being in the posting line?—I am. If I were not connected with coaching, which some years ago cost me a very great deal of money, and I should sacrifice to an enormous amount to give that up, I could not support my posting establishment.

204. Does the same remark that you made with regard to posting apply to the coaching; is the business in that line diminishing also?—Very greatly.

205. You heard the examination of Mr. Horne, and you of course concur with him as to the rate of duty which you pay upon coaching?—Yes, upon coaching; I concur in every thing Mr. Horne said with respect to that.

206. Have you the same number of coaches running that road that there were when you were first established at Alcombury-hill?—Yes, there is the same number; there is one short coach or two laid down, but there is another put on from Lincoln; I think there is about the same number of coaches that there has been for the last ten years.

207. Is not the business equally profitable, then?—No.

208. Have you lowered the fares?—The fares have been obliged to be lowered in consequence of the cheap conveyance by steam; they will branch off to take a route any where to get by steam, rather than travel by coaches, because, from the price of provender, and the enormous prices that we are obliged to give for horses, we cannot carry them at the rate; it is impossible. During the time I have lived on the road, I have known, that if we have not had much posting on the road for several nights and days, our stable has been full of horses; noblemen's horses, travelling with their own carriages from north to south, coming up; but now they all go by steam. There is scarcely an establishment comes up by the road; and when we used to have them up the road, if our house company was short, or we had a bad day in posting, perhaps we might have ten or a dozen or twenty noblemen's horses in the stables to assist us in our business.

209. In fact, many of those carriages and horses also, which used to travel up by the road, are now conveyed by steam?—Now conveyed by steam.

210. Do you conceive that you suffer a considerable grievance by being charged upon your coaches upon the number you are licensed to carry, instead of those actually conveyed?—Yes, I do.

211. Do you agree with Mr. Horne as to the proportion carried to those for which your coach is licensed?—Yes, I do agree with what Mr. Horne said on that head. With respect to the tax upon each person travelling, I certainly would not seek to have the burthen taken from my own shoulders and placed on another's; but unless we are put upon a footing, so that it will enable us to convey noblemen and gentlemen, and all those travelling direct from north to south, I have no other business but that of a lone house, which depends entirely on the nobility and gentry sleeping, no other trade or business but that of occupier of the soil; I have no other chance, and if I could not use my own provender that I grow upon it I could not live at my inn.

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212. Then all you desire is, that you should be put upon an equality, either by putting a tax on the other means of conveyance, or by reducing that upon yours?—I should say, to reduce the duty upon posting would enable me to compete with the steam.

213. You have already stated, you think that taking off the post-horse duty would enable you to post at 1*s.* a mile; did you not state that?—No; it was the former witness; but I would state that I would sooner have the duty taken off on account of the vexatious mode of collecting it; I would sooner suffer to have the duty taken off altogether, and post at 1*s.* a mile, than have it continued and collected as it is.

214. Of course a reduction of the mileage duty to one-eighth of a penny instead of one-fourth as at present, would enable you materially to diminish the fares upon coaches?—It would make some difference, but it would not be sufficient to relieve it, in my opinion.

215. Are you not aware that that is what the railway companies pay, one-eighth of a penny per mile on the passenger conveyed?—That is on each person conveyed; but a coach must pay its duty, whether there are passengers or no; when I put my horses to the coach at my door, if I have not a single passenger, I must pay the duty up and down, just the same as if I carry passengers.

216. Has the recent change from the farmers to the excise been favourable or vexatious to you as a postmaster?—We got some relief; if it had been collected in the first instance, as it was intended to have been done by the Commissioners of Excise, it would have been very vexatious, so much so, that I think several innkeepers, sooner than have submitted to it, would have given up their occupations. That is my opinion; I believe they would.

217. If it had been collected as it was first intended?—As it was first intended, but we got relieved partly.

218. Explain to the Committee in what you got relief?—So that they take it once a week, and they give us three days to make up our book, from the Saturday until the Wednesday.

219. What was the other way?—That they were to come in every day and every hour if they pleased, just as they thought proper, and come into our private room or bar, or wherever it might be that our books were kept, which, in a situation like mine, must be kept in my bar, and our own private business could not be carried on if we had the exciseman coming in every day, or twice a day, if he thought proper, to examine our books and take an account of our tickets, and every thing to our very great annoyance; but now it is not so bad as it would have been if that had been the case.

220. Do you complain of any grievance with regard to the tickets?—Oh, yes, a very great grievance it is with respect to the tickets.

221. Explain how?—Inasmuch as this; I explained to the Commissioners before, when I was examined on the deputation, that I had an order for four horses in the night, and at what time I did not know; the ticket was made and given to the ostler for four horses going to Newmarket; instead of four, the job came with a pair; the four-horse ticket by some means, when I inquired, had gone on with a pair; the ostler had sent a pair-horse ticket, but the boy, who was first turn, had taken the four-horse ticket; and in the event of their going the journey and coming back, and not thinking, because I had never been subject to that regulation, the four-horse ticket was lost; according to this regulation I should have 4*s.* to pay, and no wish to defraud government in any way whatever, because it went with a pair, and the pair-horse ticket was delivered at the gate.

222. Can you suggest any improvement with regard to this matter of the tickets?—That we should be at liberty to have the tickets, and send them as chance may happen; and if the boys lost them they would be totally lost, and an end of it.

223. Without being obliged to account for them?—Yes.

224. You do not consider it is any security to the revenue?—Never; no check upon us whatever.

225. But a great vexation to postmasters?—Yes.

226. Is there any other suggestion you wish to make to the Committee in regard to your business?—Merely that I think nothing can save me, and men situated like myself, but a total abolition of the duty to enable us to increase our business on the road; for I should say gentlemen in the north would travel from north to south more frequently, and perhaps, at times of the year when the business was so very dead, that we should have, by having an opportunity to compete with the steam, a certain number of gentlemen who would travel down the road,

road. perhaps three times a year instead of once or twice a year, or going by steam so frequently.

Mr. *Thomas Fagg*, called in; and Examined.

227. *Chairman.*] YOU are extensively connected as an owner of stage-coaches, are you not?—I am.

228. On what lines principally?—On the Dover line, on the Western line, and likewise slightly on the Northern line.

229. Do you find that your business has lately been increasing or diminishing?—Diminishing materially.

230. To what do you attribute this diminution?—Principally to the competition of steam by water.

231. Can you give the Committee any statement as to the diminution upon any of the lines of road with which you are connected?—With regard to the Dover line of road, I should say that within the last seven years the remunerating earnings of the coaches have diminished nearly one-half.

232. Have any coaches been laid down in consequence?—No; but we had a meeting a few evenings since; we could not exactly come to terms, but a plan was proposed to diminish one-third of the coaches on the road altogether. There are now nine coaches and a mail by day and by night to Dover, and we proposed to reduce three coaches. I am speaking of double coaches; that is to say, a coach up and down every day. I should state that a number of coaches both to Margate and Ramsgate have been discontinued.

233. How many coaches run to Margate and Ramsgate now?—Only one direct London coach.

234. Are you aware how many there were formerly?—They have been discontinued some years, and my recollection will not serve me as to how many there were; more, I should say, to Margate and Ramsgate than to Dover.

235. Mr. *Parker.*] No reduction of tax would keep those coaches on their legs, I should suppose?—I should apprehend it would, at least the greater portion of them.

236. But the Ramsgate and Margate, where the competition of steam is so very active?—But that competition at present, I should say, is unnatural, inasmuch as they are carrying (I cannot, of course, enter into their speculations) at a ruinous rate, when you speak of 1*s.* 6*d.* and 1*s.* from Ramsgate to London.

237. *Chairman.*] Would a reduction in the amount of duty enable you to keep up some of these coaches, which you now contemplate laying down?—Yes, I think it would; I should state that there was one coach to Dover discontinued last autumn; there were ten coaches, now there are only nine, and we purpose to reduce them to six.

238. If the mileage duty were altogether abolished, do you conceive you would be able to carry on a competition with the steam-power?—Yes, by water; but I should think we should be more benefited if half our duty were taken off, and a proportionate duty placed on steam by water; our trade to Dover is affected by the extraordinary competition by water at the present moment to Ramsgate and Boulogne.

239. Mr. *Parker.*] But, in your views to an amelioration of trade, you can never leave out of account the great tendency there is now for improvements in machinery to go by water; you cannot leave out of account the absolute certainty that steam must continue?—Steam must continue, but it has been so many years now in operation and in practice that there may be slight improvements, but not to the extent there was formerly when steam was first established.

240. *Chairman.*] Do you conceive that if the line of railway for which a Bill has been obtained from Parliament from London to Dover were complete, it would annihilate the coaching trade altogether?—Speaking generally, yes; there might be one coach left.

241. Do you imagine that if the duties were abolished, you could compete with the railway in a direct line of road?—Certainly not.

242. Do you conceive that upon parallel lines of road, which would be to a certain extent affected by the railways, a reduction or abolition of the duty would enable you to continue to run, whereas, if the duties remain at their present rate, you will be obliged to put down your coaches?—I think that in many cases, if the duty were reduced or altogether abolished, we should be enabled to maintain coaches to towns and situations not very remote from the railways. Within 20 or 30 miles

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30 miles on the northern road I am connected with the mail to Louth, and with the Stamford coach, and lately, I should say, in consequence of steam principally, we have reduced one whole coach to Stamford; that is to say, sunk two coaches into one between me and Mr. Horne.

243. And you contemplate a still greater diminution of the coaches from the extension of steam conveyance?—Certainly; I was about to state that if our present duties continue, and the railway from London to Birmingham is completed, that Stamford, although 40 miles from the line of road, both as regards expense and time of travelling, parties will go from Stamford to Northampton to join the northern railroad, and thus save time and expense in coming to London.

244. Then in fact all you have to suggest is, that you should be put, in point of taxation, upon an equal footing with steam conveyance?—Just so; there are one or two things that press rather hardly upon us, which I think the Legislature can very easily remove; one we have already prayed for, but we have not obtained the boon we asked, that is, an extra passenger outside, and that the gradation of duty should be altered so as to increase the number of passengers by one, inasmuch as by one Act of Parliament we are entitled to carry, by a certain description of conveyance, a four inside coach, 12 outsides; whereas the Act of Parliament which regulates the duties states that for a certain sum of money we may carry 15 passengers, four and eleven, leaving one seat vacant.

245. What would you suggest ought to be the scale?—The scale I should suggest should be seven instead of six, and particularly seven, inasmuch as by our mail-coaches we are compelled to pay a duty for nine passengers, and we can only carry seven; the government has regulated us to take four inside and three out only.

246. Then do you suggest that the scale should run from four to seven passengers?—Yes.

247. From seven to ten?—From seven to ten.

248. From 10 to 13?—From 10 to 13.

249. And from 13 to 16?—And from 13 to 16.

250. You conceive this would be a considerable relief to the coach proprietors?—It would be a considerable relief to the coach proprietors, because we cannot, I should imagine, have our duties regulated the same as by the railroad conveyance; we are obliged to take out a license for a certain number of passengers, whether we convey them or not.

251. Explain to the Committee how this additional passenger would act as a relief?—In the summer time, when we have a glut of loading, we should then be enabled to carry the extra passenger, and the number contemplated for the coach to carry by the Legislature for the same duty as we now pay for the one less passenger. There is one other suggestion I should wish to make, and that is some little alteration in the regulation with regard to an alteration of the license; at present, if we consider that we should be enabled to book a larger number of passengers than usual, we go to the Stamp-office, and we, by paying a shilling, alter our license to a larger number, but we must do so before the coach starts, and if the coach starts late in the evening, six or seven o'clock, we must alter it three or four hours before the coach starts, whereas frequently the passengers come in almost at the last moment, although we have plenty of room by the coaches to take them, for in the winter time particularly we reduce our license perhaps to eight outsides, and in some cases to five outsides; and suppose half a dozen passengers should come in and propose to go, we cannot take them without infringing the Act of Parliament, and subjecting ourselves to Exchequer processes.

252. Then you propose that you should be permitted to alter your licenses within a certain number of hours after the coach started?—Yes, or a day or two.

253. Would not this give an opportunity for an evasion of the duty?—I am not aware that it would.

254. Do you conceive it would be a great advantage, were it possible that you should be charged upon the number of passengers actually carried, instead of that for which your coach is actually licensed?—A very great advantage.

255. Do you imagine, from your knowledge of stage-coaches, that such a method is practicable?—I should fear that it was not practicable.

256. Have you ever considered any mode of composition or otherwise by which you might be put upon an equality with the railway coaches in regard to the mode of charge?—I have not.

257. Do you conceive that a composition would be practicable with the stage-coach proprietors?—In many cases I think it would.

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258. In what cases do you think it would be practicable?—In most of the long stages running long distances. We would show the government, by a reference to our books, the average number of passengers that we have been in the habit of taking throughout the year. That has been already ascertained to be nine, we pay in the winter time generally duty for eight and three, which is eleven, and in the summer time four and eleven, and yet the average does not exceed nine passengers in and out.

259. And you think that from these data a basis might be obtained upon which a composition might be effected?—Yes, certainly.

Lunæ, 5° die Junii, 1837.

MEMBERS PRESENT:

Mr. Gillon.	Sir George Sinclair.
Mr. Dugdale.	Mr. Parker.
Sir Harry Verney.	Sir Thomas Fremantle.
Mr. Loch.	

MR. GILLON IN THE CHAIR.

Mr. *Joseph Hearn*, called in; and Examined.

Mr. *Joseph Hearn.*
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260. *Chairman.*] ARE you a proprietor of stage-coaches and waggons?—Yes.

261. On what roads do you principally trade?—To Birmingham, Boston, Portsmouth, Southampton, Leamington and Banbury by coach; by waggons to Banbury, Buckingham, Shrewsbury Boston, Spalding, Peterborough, Louth, and other places in the counties of Bucks and Herts.

262. You are subject to a certain amount of taxation on the conveyance both of your passengers and stores, are you not?—Yes, we pay a duty for our horses; we pay 10*s.* 6*d.* a horse, and also for passengers by waggon.

263. You pay a duty of 10*s.* 6*d.* on each horse that draws the waggons, and you pay the mileage and other duties that other stage-coaches pay?—Yes; and we pay a duty of 2*l.* 10*s.* a year upon our waggons that carry passengers.

264. You pay no mileage duty on waggons conveying passengers?—No.

265. Do you conceive you are interfered with by steam in the prosecution of your business?—I shall be very much.

266. Both as a conveyer of passengers and goods?—Both.

267. Has the business of stage-coaches not been so remunerating within the last five or six years as it formerly was?—Certainly not.

268. Do you anticipate that, from a further extension of steam conveyance by land as well as by water, your business will be still more seriously interfered with?—There is no question about it.

269. Do you think you will be able to run your coaches at all upon the Birmingham road?—I think not; my coaches running to Aylesbury and Tring, Berkhampstead and Watford, must be withdrawn, I expect, next month, when the railway opens.

270. Has your conveyance of goods to Boston, and other places similarly situated, been materially interfered with by the steam conveyance by water?—We have not had steam there for more than about two months; it has not answered very well, and has not affected us much at present.

271. Do you consider that you pay other taxes on your animal power as well as the 10*s.* 6*d.* you allude to; for instance, the consumption of taxed corn, which is produced by taxed labour?—For every thing we consume we pay a tax.

272. You have stated that a steam-boat has lately been established to run from Boston?—Yes.

273. Do you not anticipate that that will materially interfere with your business as a carrier of goods?—I think it will ultimately; it is new in its progress at present.

274. And you conceive also you are not carrying on your business on a footing of equality, in consequence of the taxation to which you are subject, and from which others are exempt?—Certainly.

275. What alteration would you suggest to put you on an equality with your

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steam competitors by land and water?—That they should pay a duty, as we do, for passengers.

276. It would equally serve your purpose if the duty was removed from you?—It would have some effect, of course.

277. Would it not put you on a perfect equality, if the duty were removed from you?—I apprehend it would.

278. It was stated to the Committee the other day, that coach proprietors would not be able to compete with railways upon a direct line, even if they were exempted from all duty, but that with coaches running upon parallel lines at some distance from the railway, a reduction of the duty would enable them to keep up coaches, which otherwise must be put down; do you agree in that opinion?—I do.

279. Mr. *Parker.*] Are the apprehensions you entertain yourself, entertained generally by the body to which you belong?—I think they are.

280. Your means of communication with the trade generally enables you to form an opinion as to the way in which they view these changes?—They all appear to be of the same opinion.

281. *Chairman.*] Would you be able to convey your goods more cheaply to Boston and other places, if the 10*s.* 6*d.* duty were removed from your horses?—I should think not; it is hardly sufficient; it would not make such a difference as to warrant us in making a less charge per cwt. or per ton.

282. Have you any other suggestions that you wish to make to the Committee?—No.

283. Mr. *Parker.*] Is there any thing connected with the present mode of collecting the duties, in which you could suggest any improvement?—No.

Mr. *John Wheatley,* called in; and Examined.

Mr. *J. Wheatley.*

284. *Chairman.*] YOU are proprietor of the Greenwich stages, are you not?—Yes.

285. Have you found your business materially interfered with by the competition of steam-power, both by land and water lately?—Yes.

286. Have you applied to the Treasury for leave to compound?—Yes.

287. For what reason did you make that application?—Because I understood the railway company had been allowed to compound.

288. Are there the same number of stages running to Greenwich as used to run formerly?—No.

289. Within what space of time has a diminution taken place?—Within this twelvemonth.

290. The principal diminution has taken place within twelve months?—Yes.

291. What is the principal cause of that diminution?—The heavy expenses, and the cheapness with which they are conveyed by the other carriages.

292. Have there been any new steam-boats put on within the last twelvemonth?—Yes, there were four new ones put on on the 25th of March, and there are now nine running to Greenwich, besides an extra one. There is the New Greenwich Company and the Old Greenwich Company.

293. Where do they ply from in London?—I think from Nicholas's Wharf, and some from Dyers' Hall Wharf. The New Company go from Dyers' Hall Wharf.

294. Do not some of the steam-boats also run from the west end of the town?—Yes, to Dyers' Wharf. This New Company at Greenwich run their boats, some part of them, to between Westminster Bridge and Waterloo Bridge, to Hungerford Market, I believe.

295. Can you state the number, or nearly the number, of coaches that have been put down within the last year?—About 15 in all, I think.

296. You have stated that the cause of this was the heavy taxation to which you were exposed, and from which your rivals were nearly or entirely free?—Yes.

297. Have you received any reply from the Treasury to your application?—I have not.

298. Mr. *Parker.*] Supposing the tax were equalized, supposing the same tax was put upon persons travelling by steam that is now paid upon your stages, would you be able to maintain competition?—Not where the line is direct, I should think.

299. *Chairman.*

Mr. *J. Wheatley.*

5 June 1837.

299. *Chairman.*] If you were relieved from taxation, or if the taxation were equalized, do you think that some of those coaches which have been put down would be resumed?—I think they would.

300. In fact, it is only to an equalization of taxation that you can look as a remedy. You have no other remedy to suggest?—No, not at present.

301. Do you apprehend you will be obliged, if matters go on as at present, to put down some of those coaches which are now running?—Yes.

302. You pay the same mileage duty upon the short stages to Greenwich as other coach proprietors do, do you not?—Yes.

303. And it is the heavy amount of that duty of which you principally complain?—Yes.

304. Have you any calculation how much you pay in mileage duty per annum; how much have you paid during the last year?—I should think upwards of 4,000 *l.*

305. How long has the railway been in operation?—It was opened in November last, up to the south foot of London Bridge.

306. Are there stages that now supply the unfinished part of the railway?—One-horse vans.

307. In fact, you consider that you would require to be relieved of this 4,000 *l.* duty, before you could start on an equal footing with your opponents?—I should think so.

308. Do you consider it would be a great accommodation to the public, were they enabled to travel by these stages at a reduced rate of charge?—Yes, we have been obliged to reduce the prices.

309. If the mileage duty were reduced by one-half, would you be able to diminish your fares?—We have reduced them very nearly one-half, to compete with the others.

310. The question is, if the mileage duty were reduced one-half, would you be able to make a still further reduction upon your fares?—Yes.

311. How much do you calculate you pay in duty per passenger upon the passengers whom you convey to Greenwich?—The number of passengers conveyed by the city coach latterly has averaged 60 per day, and the duty paid upon those 60 passengers is 10 *s.* and upwards, which averages, I think, about 2 *d.* a passenger.

312. This arises from the circumstance that you are charged upon the number you are licensed to carry, whether your coach is full or empty?—Yes; then the turnpike toll between London and Greenwich is, in addition to that statement, about one-seventh.

313. Have you any other suggestions to make to the Committee that you think would, if adopted, be of benefit to your business?—There is another small tax of 1 *l.* 5 *s.* 6 *d.* for every man who drives.

314. You have also to pay 5 *l.* for a license for your coach?—Yes.

315. How do you manage to provide for a run upon the road on particular occasions?—By the number of plates which we have.

316. Do you pay duty on each of these extra plates?—We pay 5 *l.* for the license, and also every time we use them at so much per mile.

317. You pay this 5 *l.* if you use them only one day?—If we only use them one day.

318. In fact, the only relief to which you look is a diminution of taxation, which would put you on an equality with the other modes of conveyance which compete with you?—Yes.

Sir *John Hall,* Bart., called in; and Examined.

Sir *J. Hall,* Bart.

319. *Chairman.*] YOU reside in the county of Berwick, do you not?—I reside in the county of East Lothian, in the immediate neighbourhood of Berwickshire. I am a trustee in the East Lothian Trust, the Berwickshire Trust, and the North Durham Trust. It is a part of Northumberland apparently that is called North Durham. The whole is a coast line of road.

320. You have paid a good deal of attention to the management of the turnpike trusts in your immediate neighbourhood?—I have paid a good deal of attention in Berwickshire; I am almost the only manager of the line about 20 miles from Berwickshire.

321. Have you found the traffic diminished of late years?—Very much, in

Sir *J. Hall*, Bart.

5 June 1837.

consequence of the steam-boats. There was a large debt incurred in order to make a great improvement in Berwickshire, by avoiding the Bridge of Lammermuir; and it is with the utmost difficulty we can pay the interest of that debt, and keep the road in good order, in consequence of the diminution of posting and stage-coach business, which we attribute in a great measure to the competition of steam-boats, which pay no duty, while the duty on the other modes of conveyance is extremely heavy.

322. Looking at the probable further extension of steam conveyance by land as well as by water, do you apprehend very serious injury to the roads with which you are connected?—I cannot imagine their holding their ground; I do not believe they would be able to pay the interest of their debt, and to keep the roads up.

323. Have the road trustees any prospect of profit as trustees?—No, certainly not.

324. Do they not frequently in Scotland incur personal liability for the benefit of the roads?—Invariably they did, I believe, till very lately.

325. By becoming security?—Yes; that is the case in the two Scotch trusts I have mentioned; in the English one (North Durham) it is not the case.

326. Are you aware that railway companies are incorporated as carriers, as well as farmers and owners of the road?—I have understood so.

327. Do you conceive that the power they possess, as an incorporated company, of running toll-free on their own road, must be the means of deterring other carriers from competing with them, and that they have thus a virtual monopoly of the railroad?—Yes.

328. Do you conceive that it is unfair to increase these powers and advantages, already so dangerously large, by a partial system of taxation?—Undoubtedly.

329. You are aware that all animal motive power is taxed?—I believe so.

330. You are aware that every horse employed in draught pays a duty to Government of 10*s.* 6*d.*?—I have understood so.

331. Is not animal power previously taxed by the consumption of taxed commodities, as taxed corn, which is produced by taxed labour?—Certainly.

332. Do you not conceive it would be proper, if any favour were shown, that it should be afforded to that power which already pays taxes in a different shape?—Undoubtedly.

333. Looking to the monopoly to which you have already referred, which is created by railway Acts, do you conceive it of essential importance to the public, for the sake of competition, that the old lines of communication should be preserved?—I think, upon the principle of fair play and justice to the public, they should be preserved.

334. Is not this the more necessary from the fact, that although steam conveyance on railways is very desirable for persons passing from one distant point to another, yet, for intermediate points and short distances, they must be necessarily of comparatively less advantage?—Certainly.

335. What remedy would you suggest for the purpose of putting the roads with which you are connected on a fair footing of equality with the other conveyances now in use?—We should be perfectly satisfied if the heavy duties on land travelling were taken off; in the event of that not being practicable, we think it would be better that there should be a somewhat similar duty on steam-carriage and steam-boat travelling.

336. Have you ever directed your attention to any scheme for taxing steam-power in the conveyance of passengers?—I did direct my attention to it some time back, and it occurred to me that there might be a moderate tax easily levied upon steam-travelling, upon this principle, that where there was a road by land as short or shorter than that by sea, it would be fair that the steam-boats should pay a reasonable tax; but that where there was an island or a peninsula, in that case the tax upon the steam-boat might be modified. With regard to steam-boats going to an island, as the Isle of Wight, or the islands of Scotland, or a peninsula such as that in Fife, there might be a modification; but where there is an equally direct or shorter mode by land, it would be fair that the steam-boat should pay a reasonable tax.

337. Do you propose to levy the tax upon the horse-power, or upon the passengers?—I never entered sufficiently into particulars to be able to answer that question. I would rather leave that to practical persons to determine.

338. You

338. You are aware that there is a 5*l.* duty upon each stage-coach, and a duty of 5*l.* 5*s.* upon each chaise?—I understand so. Sir *J. Hall*, Bart.

339. Also a duty of 3*l.* 10*s.* upon two-wheeled carriages?—I have understood so, and it is considered a very great hardship. 5 June 1837.

340. Do you conceive that these duties prevent carriages being kept for the accommodation of the public at villages and stages upon great lines of road, where you may be set down without the means of travelling across the country to your destination?—Undoubtedly; I am aware of that being the fact in many instances.

341. It is hardly necessary to ask, whether it would not be a great accommodation to the public, were such conveyances kept?—Most certainly.

342. Do you think the removal of those duties would tend very much to the establishment of such conveyances?—Undoubtedly.

343. In fact, if the duties continue the same as at present, with the probable increase of steam conveyance, you anticipate nothing but ruin to the trusts with which you are connected?—Most certainly, very great difficulty.

344. Will not this act as a very great hardship, not only on the public in general, but upon those gentlemen who have become bound for the debts of the trust, with no view to their own individual interest, but to the promotion of the public advantage?—I should think it would act as a very great cruelty and injustice to those gentlemen who have become bound in the manner to which allusion is made, and it would be an injury to the public in so far, that improvements that would undoubtedly have taken place have been kept back by the circumstance of the introduction of steam-power. There is a very great improvement which would have taken place in East Lothian in avoiding the Pen Craig Hill, which is a very dangerous hill. A road would have been made round it, but it was suspended in consequence of the quantity of steam navigation, and also a threatened railway through the country; and in Northumberland there would have been a great deal of improvement, by which the public would have greatly benefited, which has been suspended in consequence of the introduction of the low rate of travelling by steam-boats, and the threat of establishing railways.

345. Do you anticipate, that were the taxation on the different modes of travelling equalized, a portion of that traffic which has been removed from the roads would again return to it?—I have no doubt of it; for it is a matter of calculation, that if either the travelling by posting or coaching were cheaper, or the travelling by sea were a little dearer, the generality of people would rather go by land than water.

346. Do you not anticipate, that were the taxation on travelling diminished, there would be a great increase of travelling among the community?—Undoubtedly.

347. And it is scarcely necessary to ask whether, in a commercial country like this, you conceive this would be one of the greatest advantages the public could receive?—I have no hesitation in saying I believe it would.

348. Have you any other suggestions to make to the Committee?—No; I may perhaps remark, that a vast number of carriages are sent down by sea to Scotland which would otherwise go down by post-horses, and consequently pay the posting duty.

349. The same observation will apply to the conveyance of carriages upon railways?—Yes.

Mr. *Richard Smith*, called in; and Examined. Mr. *Richard Smith*.

350. YOU are the assessor of stage-coach duties?—Yes.

[*The Witness delivered in the following Returns.*]

GREAT BRITAIN.

A RETURN of the Amount of Post-Horse Duties in the Three Years to the 31st January 1837.

Year ended 31st January	1835	£. 228,480 – –
,,	1836	228,480 – –
,,	1837	231,040 – –

Accountant and Comptroller General's Office
Stamps and Taxes, 31 May 1837.

Mr. *Richard Smith.*

5 June 1837.

A RETURN of the Amount of Assessed Taxes on Carriages let to Hire, with Post Horses, in the Three Years to 5th April 1836.

Year ended 5th April 1834	£.	35,343	– –
„ 1835		36,372	5 –
„ 1836		36,823	10 –

The Return cannot be continued to the 31st of January 1837, the necessary Returns not having yet reached the office.

Accountant and Comptroller General's Office
Stamps and Taxes, 31 May 1837.

A RETURN of the Amount of Licenses to Postmasters, in the Three Years to 5th January 1837.

Year ended 5th January 1835 „ 1836 „ 1837	£.	2,370 – –

Accountant and Comptroller General's Office
Stamps and Taxes, 31 May 1837.

A RETURN of the Amount of Assessed Taxes on Draught Horses, in the Three Years to the 5th April 1836.

Year ended 5th April 1834	£.	63,547	11 6
„ 1835		59,532	18 –
„ 1836		59,611	2 6

The Return cannot be continued to the 31st January 1837, the necessary Returns not having yet reached the office.

Accountant and Comptroller General's Office
Stamps and Taxes, 31 May 1837.

A RETURN of the Amount of Assessed Taxes on Stage Coachmen and Guards, in the Three Years to the 5th April 1836.

Year ended 5th April 1834	£.	3,217	10 –
„ 1835		3,297	10 –
„ 1836		3,708	15 –

The Return cannot be continued to the 31st January 1837, the necessary Returns not having yet reached the office.

Accountant and Comptroller General's Office
Stamps and Taxes, 31 May 1837.

AN ACCOUNT of the Duty received on Stage Carriage Licenses, in the Three Years ending 5th January 1837.

Year ending 5th January 1835	£.	19,746	7 –
„ 1836		19,994	3 –
„ 1837		20,113	16 –

Assessor's Office Stage Coach Duty,
31 May 1837.

R. Smith,
A. S. C. D.

AN ACCOUNT

AN ACCOUNT, showing the Amount of STAGE CARRIAGE DUTIES collected in *Great Britain*, in the Three Years ending 5th January 1837.

YEAR ending	Railway. Composition. £. s. d.	Railway. Mileage. £. s. d.	Total of Railway Duty. £. s. d.	Rates of Mileage Duty of Coaches. 1 d. £. s. d.	1½ d. £. s. d.	2 d. £. s. d.	2½ d. £. s. d.	3 d. £. s. d.	3½ d. £. s. d.	4 d. £. s. d.	4½ d. £. s. d.	Total of Stage Coach Duty. £. s. d.
5 Jan. 1835	281 10 –	6,570 17 8	6,852 7 8	2,785 15 4½	14,790 19 4	71,836 16 –	164,180 11 5	209,606 17 9½	17,304 16 10	246 4 –½	1 11 1½	480,753 11 11
„ 1836	629 – –	8,064 13 7	8,693 13 7	3,073 8 5	16,327 9 8½	77,863 4 3	155,692 1 10½	218,028 4 4	18,465 8 6	206 19 7	– –	489,656 16 7½
„ 1837	1,199 15 –	9,097 3 9	10,296 18 9	3,453 19 10½	20,573 5 10	74,495 9 11½	155,896 10 10½	229,062 18 2½	20,040 14 –	219 4 8	– 11 3	503,742 14 8½
£.	2,110 5 –	23,732 15 –	25,843 – –	9,313 3 8	51,691 14 10½	224,195 10 2½	475,769 4 2	656,698 – 4	55,810 19 4	672 8 3½	2 2 4½	1,474,153 3 3

Stage Carriage Department Stamps and Taxes, 31 May 1837.

J. Greenstreet, C. S. C. D.

TOTAL of Railway Duty - - - 25,843 – –

£. 1,499,996 3 3

AN ACCOUNT, showing the Amount of DUTY collected from the different RAILWAY COMPANIES in *England*, for the Three Years ending 5th January 1837.

No.	NAMES of RAILWAY COMPANIES.	Amount of Mileage Duty paid, at the rate of ½ d. per Mile for every Four Passengers conveyed. 1835. £. s. d.	1836. £. s. d.	1837. £. s. d.	Total Amount of Mileage Duty paid. £. s. d.	Amount of Composition paid. 1835. £. s. d.	1836. £. s. d.	1837. £. s. d.	Total Amount of Composition paid. £. s. d.	Amount of Mileage Duty which would have been paid if no Composition had been entered into. £. s. d.
1	Bodmin and Wadebridge	1 12 5	11 15 3	19 4 4	32 12 –					
2	Bolton and Leigh	– – –	– – –	– – –	– – –	10 – –	10 – –	10 – –	30 – –	877 4 2
3	Clarence	– – –	34 6 –½	89 9 11	123 15 11½					
4	Gascoyne's (Private).									
5	Canterbury and Whitstable	– – –	– – –	– – –	– – –	5 – –	20 – –	26 – –	51 – –	239 8 9
6	Hartleyburn and Brampton	– – –	– – –	– – –	– – –	– 10 –	– 10 –	5 – –	6 – –	23 5 –
7	Leeds and Selby	242 10 –	1,093 6 1½	900 – 8	2,235 16 9½					
8	London and Greenwich	– – –	– – –	451 5 11	451 5 11					
9	Leicester and Swannington	– – –	– – –	– – –	– – –	5 – –	5 – –	50 – –	60 – –	257 11 6
10	Liverpool and Manchester	6,259 – 6	6,863 7 6	7,485 4 3	20,607 12 3					
11	Newcastle and Carlisle	– – –	– – –	– – –	– – –	– – –	5 – –	250 – –	255 – –	1,294 3 7
12	North Union (Wigan and Preston)	– – –	– – –	– – –	– – –	10 – –	100 – –	250 – –	360 – –	1,112 7 10
13	Saint Helen's and Runcorn Gap	– – –	– – –	– – –	– – –	5 – –	10 – –	10 – –	25 – –	99 9 3
14	Stanhope and Tyne	– – –	8 12 7	– – –	8 12 7	– – –	– – –	2 10 –	2 10 –	46 13 2
15	Stockton and Darlington	– – –	– – –	– – –	– – –	200 – –	200 – –	200 – –	600 – –	1,301 5 11
16	Stratford and Moreton	– – –	– – –	– – –	– – –	10 – –	5 – –	5 – –	20 – –	51 13 8
17	Warrington and Newton	– – –	– – –	– – –	– – –	10 – –	5 – –	95 – –	110 – –	424 11 5
18	Whitby and Pickering	– – –	24 11 3	126 15 7	151 6 10					
	£.	6,503 2 11	8,035 18 9	9,072 – 8	23,611 2 4	255 10 –	360 10 –	903 10 –	1,519 10 –	5,727 14 3

Note.—No. 5, Payment not yet due.

Deduct Composition - - - 1,519 10 –

Difference - - - £. 4,208 4 3

Stage Carriage Department Stamps and Taxes, 31 May 1837.

J. Greenstreet, C. S. C. D.

Mr. *Richard Smith.*

5 June 1837.

351. From your official situation, are you perfectly cognizant of the taxation on all the different modes of communication throughout the country?—More particularly with regard to the taxation of stage-coaches, which only falls immediately under my observation; the other I have merely a general knowledge of.

352. That taxation upon stage-coaches is unequal at present, comparing animal as a motive power with steam, is it not?—Decidedly so; the rate of taxation upon travelling by railroad is the eighth of a penny per mile; the average rate of taxation on travelling by stage-coach is one farthing per mile per passenger; the number of passengers charged is according to the license in the stage-coaches, and according to the number actually carried on the railroad; the actual rates upon stage-coaches are about a halfpenny for every three passengers; the increased rate arises from their not carrying the full number of passengers.

353. Several railways have had the additional advantage, have they not, of compounding for their duties at a considerably reduced rate from what they would have paid upon the passengers actually carried?—Yes; I understand that the ground of that allowance is, or rather was, that the railways might not be put down in the first instance, that they might be encouraged in the first instance.

354. Do you think it would be practicable to permit the coach proprietors to compound in the same way?—I have often thought upon that subject, but have never been able to discover any means by which such a composition could be entered into with advantage to the revenue, or fairness to the general body of the proprietors. The Commissioners have at present a power to compound under the present Act.

355. What would you suggest as the best means of equalizing the duties on the different modes of conveyance?—As a matter of principle, I should say that all taxation on internal communication is bad; but it being necessary to have a revenue, the only means of obtaining that fairly will be by equalizing the rates, and imposing taxes on those modes of communication upon which there are no taxes at present; from my communications with the coach proprietors, I find that the untaxed steam-boats are with them a subject of continual complaint.

356. As far as concerns railway competition, do you think any means could be adopted of charging the railway companies upon the number their coaches are licensed to carry?—From all that I can understand of the nature of the traffic upon the railways, it would be impossible to do that with any degree of fairness as it respects the companies, owing to the vast numbers which are sometimes carried, and the small numbers which are carried at other times.

357. Do you conceive that the checks which the board have upon the number actually conveyed on the railways are sufficient for the protection of the revenue?—I should say, so far as my own observation goes, the board have exercised no practical check, but have depended entirely upon the returns of the proprietors; the accounts of the proprietors and the books of the companies are open at all times to their inspection, and an efficient inspection ought certainly, and I should have no doubt would ultimately be made of those accounts, with occasional checks upon the runnings of the coaches or carriages; but it is very difficult indeed to establish an efficient check upon the number of persons actually carried; the principal security the revenue has, appears to me to be, that the parties who must agree and consent to carry on any fraud would every now and then be liable to impeach the proprietors, who alone would be benefited, and are not the immediate persons rendering the account; the proprietors are the parties who would be benefited in the general way; the persons who must necessarily be trusted to render the account are their servants; the account is also kept, as showing the source from which the profits of the company must arise.

358. Then, so far as railway competition is concerned, how would you recommend that the duty should be equalized?—To place them on an equality, I think it would be necessary to charge the railway companies with a halfpenny for every passenger for every four miles, or fraction of four miles, instead of the present rate, which is a halfpenny for every four passengers per mile. I would then charge the stage-coach proprietor a halfpenny for every four sittings prepared in and upon his carriage, per mile or fraction of a mile.

359. There

359. There would still remain the charge of 5*l.* per license, and the assessed tax upon the coachman and guards; would you not recommend that these should be removed, in order to put the two on an equality?—The tax upon the license the coach-masters in general at present in existence would not wish to be removed; for, so far as it operates, it gives them a monopoly to the extent of 5*l.*, and, under the peculiar circumstances under which their trade is carried on, they consider it a defence against the setting up of persons who have not even 5*l.* of capital to begin with. The circumstance which gives rise to that is, that the carriages and horses may all be miled; they would rather prefer that the tax should be heavier.

360. Would not the public benefit by the removal of that monopoly in the establishment of competing coaches?—Decidedly, so far as that sum of 5*l.* would go; but I question whether the advantage to the public would be ultimately as great as the injury to the proprietors, and also to the revenue, by the loss of the duty which would be collected by runaway proprietors.

361. Could a license be imposed on the railway coaches which would obviate that inequality?—I should think that a tax might be imposed on the railway companies, which would obviate that at the end of each year, by estimating what quantity of coaches they would have employed for the number of trips to carry the number of passengers.

362. The assessed tax upon coachmen and guards would also require to be removed, to put them on an equality, would it not?—I am not aware whether the railway companies pay any tax on their engineers corresponding at all to that; but if not, it would.

363. There is another competing steam-power, namely, that by water; have you ever considered any method of taxing that mode of conveyance?—The frequent complaints that have been made to me by the proprietors of stage-coaches of the hardship to which they have been subjected, has directed my attention to that subject. I have considered that a taxation, according to the tonnage of the vessel, would interfere with the carriage of merchandise; that a fixed taxation is necessarily unequal as it respects different places; that it is not possible to license them for a specific number, because almost any boat that can be constructed may easily carry a much larger number, and a hardship would occur if they were prevented from so doing; I have therefore considered that a tax might be levied upon the number of passengers conveyed, and that that rate might be similar to that proposed to be imposed upon travelling by steam upon railways, namely, a halfpenny a passenger for every four miles, or fraction of four miles; that the distance should be calculated upon the land distance between the two places, except when the distance by water is the shorter of the two; that the tax might easily be levied by stamping the tickets at present used for the collection of the fares. I have prepared what appears to me to be the necessary heads for a Bill for a tax on the conveyance of passengers for hire by water, which I beg leave to hand in to the Committee.

PROPOSED HEADS of a BILL for a Tax upon Conveyance of Passengers by Water.

HEADS, &c.

Vessels chargeable to be called Packets.	That all vessels engaged in the conveyance of passengers for hire by water, when impelled by any other means than sails or manual labour, be, for the purposes of this Act, called Packets.
Grant of duties. Powers to the Commissioners to provide stamps, &c., for denoting duties on licenses and tickets. Packets not to be employed without license. Penalty for employing them without license, *l.* each trip. By whom and where licenses shall be granted. Persons applying for licenses to make requisition in writing.	That the duties mentioned in the Schedule be granted on all packets plying between places in Great Britain, and shall be under the management of the Commissioners of Customs.

Mr. *Richard Smith.*

5 June 1837.

Requisition to express—	Proprietors' names. Names of secretary or trustees, who may be sued. Places between which packets are intended to ply, and take up and set down passengers. Distance between such places.
Wilful errors in requisition to be punishable by fine and imprisonment.	
Particulars to be expressed in license.	Number of the license. Name of the packet. Names of proprietors, secretary or trustees. Places between which licensed to ply. Distance.
Copies to be kept. Copies to be accessible. Certified copy to be evidence.	
License to be renewed. License may be altered. Mode of discontinuing license.	
Number of license to be painted—	Upon both bows of packet, and fore and aft of the principal funnel, in conspicuous places.
Duty to be paid, by whom. Proprietors to give security for payment of duties. Duty to be paid, when.	
Duty to be paid, where. Parties licensed to provide and fill up check tickets for collection of fares and duty. Tickets to be stamped. Forging stamps punishable with fine and imprisonment. Forged stamps may be seized. Fraudulent possession of forged stamps punishable with fine and imprisonment. Stamps may be issued on credit. A stamped ticket to be delivered to each passenger upon paying his fare. Penalty for neglecting or refusing to deliver stamped ticket. Penalty for using a stamped ticket a second time. Stamped ticket to be delivered up on passenger leaving the packet. Penalty for refusing to deliver up ticket. Inspectors to be allowed to go on board and collect tickets. Commissioners may establish signals of communication with packets. Penalty for neglecting to answer or to comply with signals. Account to be delivered of passengers carried, when. Do. where. Penalty for neglect. Penalty for incorrect account. Duty paid on the number of passengers carried, to go in discharge of tickets issued on credit. Stumps of check tickets and tickets not issued to be produced when required. Penalty for refusal to produce. Duty to be charged upon tickets not produced. Duties may be recovered, how, with costs. Duties shall be paid in respect of unlicensed packets, over and above penalties. Two children under 10 years of age to count as one passenger. In what courts penalties may be sued for.	In form prescribed by Commissioners.

Mode

Mode of proceedings, &c.
Schedule.
Shall pay for and in respect of every original license for every 100 tons; measurement or fractional part of 100 tons, a duty of 5*l.*; for every supplementary license, the duty of 1*l.* only.
For and in respect of every passenger at and after the rate of ½*d.* for every four miles, or fraction of four miles.

5 June 1837.

R. Smith,
Assessor of Stage Coach Duties.

Mr. *Richard Smith.*

5 June 1837.

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364. Do you conceive that the tax you propose would be of such an amount as to be felt as a serious grievance to the public?—I should say not, except in the case in which all these taxes bear heavily on the public; that is to say, the long distances. The duty at present by stage-coach from here to Edinburgh is 8*s.* 4*d.*; the duty in this case would be 4*s.* 2*d.*

365. How much would the duty on a steam-boat to Greenwich amount to?—To 1*d.* each passenger.

366. That is exactly half the sum which the coach proprietors state they are now collecting and paying?—Yes.

367. Have you formed any estimate of what such a tax might probably bring in to the revenue?—The data upon which such an estimate could be accurately formed, of course I do not possess; but mentally I have considered, from the knowledge I have of several different places, that it would yield at least from 150,000*l.* to 200,000*l.* a year upon the steam-boats which are at present running.

368. Have you formed any estimate of what would be the probable effect of the reduction you have spoken of in the stage-coach duties?—I should think it would amount to at least 200,000*l.*, but that that loss would be compensated by an increased quantity of travelling in other lines of road. I judge that that would be the effect, by the change which has taken place under the Act which is at present in force, and which has greatly facilitated the establishment of stage-coaches.

369. Do you not conceive that the 5*l.* license-duty is frequently evaded; as, for instance, when a number of additional coaches are put on a given road in case of a press of business?—The 5*l.* license-duty is no doubt evaded at the race-times, and the post-horse duty is also evaded at the same time. It is principally evaded by those parties who pay no duties at all.

370. Sir *Thomas Fremantle.*] In what way do you suppose the 5*l.* plate-duty is evaded?—By no license being used at all.

371. That is, that a coach goes out without any plates upon it?—Without any plates at all.

372. By the last Act of Parliament, the duty on the license for a stage-coach was very much increased, was it not?—No; it was reduced rather, if looked at in one point of view. The assessed tax duty was 5*l.* 5*s.*; the license-duty for a stage-coach was 10*s.*

373. Now no duty is payable on the coach?—No; but the party is required to pay 5*l.* before he gets his license; consequently he gets 15 per cent. prompt payment, instead of a payment six months afterwards.

374. That license is the same for every coach, whether it travels five miles as an omnibus, or five hundred?—Between Edinburgh and London five mail-coaches are used, which pay for five licenses; an omnibus frequently travels 10 and 12 journeys a day of five or six miles.

375. *Chairman.*] Have you any other suggestion to make to the Committee?—I would suggest that if any change should be made in the stage-coach Act, the present supplementary licenses should be increased in price, as great inconvenience has been found in the collection of the revenue from the present lowness of charge for them, arising from the immense number of alterations. I would also suggest that the widow of a stage-coach proprietor, with the con-

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sent of the executors or administrators, be allowed to take out the usual supplementary license, on the death of her husband, during the continuance of the original license; also, that on a man's marrying a woman having a license, the license which she had before her coverture should be made available to the man also by supplementary license: then with respect to mail coaches, that they should either be obliged to carry a numbered plate, or that the duty upon them should be entirely repealed: the reason of my making this suggestion is, because considerable frauds are now being carried on by the mail-coaches, which cannot be checked, owing to there being no possible means of identifying them. I consider that the whole of the duty on mail-coaches might be repealed with gain to the revenue,—the fact being, that the duty levied by the Stamp-office upon the coach proprietor is repaid by the Post-office in the contract, the only additional circumstance of the collection being, that whatever portion is collected by the distributors of stamps pays the poundage, which is lost to the public. There is one other suggestion I would make: under the present system of charging the duties, a very large number of prosecutions have taken place. The duty is charged upon the number of passengers carried: to obviate the necessity of the number of these prosecutions, I would suggest that the duty be in future chargeable according to the number of sittings in and upon each stage-carriage. Supposing the above method of estimating the portative power of a coach to be adopted, I would propose to modify the present penalties as follows: by enacting a penalty against the proprietor for using a carriage with more sittings than it is licensed for, and a penalty against the driver for carrying a passenger any where about the coach but on a seat; I would further suggest that certified copies of all stage-carriage licenses should be producible as evidence.

376. You are aware that compositions take place with railway companies, to enable them to convey passengers without paying the mileage duty?—Yes.

377. Are you aware upon what principle those compositions are made?—The compositions were first allowed, I understand, for the purpose of facilitating the establishment of railways. The rule generally laid down has been, if a railway is not likely to pay, immediately to take a very small composition; to charge, where it can be ascertained at all, one-third of the amount of duty the second year which would be payable as mileage the first year, two-thirds the next year, and after that the full amount of duty, if the railway appears likely to pay.

378. Looking to the circumstance that these railways are constructed by private speculators for their own immediate profit, and that no such compositions are allowed to other modes of conveyance, do you consider it essential that this facility should be continued to be afforded?—I should think that this facility ought not to be afforded to them, as it has generally been given to a multitude of persons to the injury of individuals.

379. Have you considered the question of the post-horse duty incidentally as one of the taxes on communication?—The rate of duty, from the evidence delivered on Wednesday, appears to be, I think, three farthings per passenger upon an average of those carried. If a reduction were made upon that, the only question would be with regard to the amount; taking the reduction at a penny per mile for two horses, I think it would reduce the duty collected by the post-horse farmers by about 70,000*l.*, and if the assessed duty upon the carriages were taken off, a considerable portion of that, I should expect, would be made up by the increased quantity of travelling; it being very desirable that facilities should be given to the keeping of one-horse carriages in villages and other places where they are not at present kept, and in which individuals frequently find considerable difficulty in obtaining means of locomotion.

380. Considerable facility would be given to the establishment of these conveyances by taking off the assessed tax?—Yes.

Veneris, 16° *die Junii*, 1837.

MEMBERS PRESENT :

Mr. Gillon.	Mr. Miles.
Mr. Handley.	Mr. Foster.
Mr. Parker.	Sir Thomas Fremantle.

MR. GILLON IN THE CHAIR.

Sir *Edward Lees*, called in; and Examined.

381. *Chairman.*] YOU are the secretary of the post-office at Edinburgh?—I am.

382. And you have the superintendence of all the posts throughout Scotland?—Yes, under the Postmaster-general.

383. What do you find to be the state of the cross-mail posts in Scotland?—I consider them to be very capable of great improvement, and in many respects to be deficient in protection.

384. Mr. *Handley.*] You mean that they are insecure?—Yes, from the nature of their conveyance. The mail is intrusted to boys on horseback and on foot, to old men and old women on foot, and considerable risk is incurred, particularly in the remoter parts of the country. I think it defective also with reference to the great expense of those mails which are conveyed on horseback, and with reference to the very slow rate of travelling of those which are conveyed on foot.

385. *Chairman.*] Could you suggest any means by which these mail-posts might be improved upon cross roads?—Yes; they would be considerably improved if another mode of conveyance were adopted. By a carriage they would, of course, be considerably expedited; they would be rendered more safe, and, with the assistance which would be afforded through the medium of passengers, I have no doubt that ultimately they would be conveyed considerably cheaper.

386. What is the nature of the carriages which you would suggest as proper for carrying the mails on cross roads?—I would prefer, at first, the same description of carriage as has been found from experience to be so beneficial in Ireland, a car; at present I do not understand that there is any description of conveyance at all upon many of these cross roads, if upon any of them; and the consequence must be, that the public suffer considerable inconvenience in endeavouring to get to the greater lines of communication in the country where coaches are established. I have a drawing here which exactly describes the Irish car [*producing the same.*] It is drawn by one horse, and it conveys as many as six passengers, and travels at the rate of eight or nine miles an hour; in Scotland I would confine it to four passengers, and make it a lighter description of vehicle; and if in Ireland, where the roads are much worse than in Scotland, they can be carried at the rate of eight or nine miles an hour, there would be no difficulty in carrying at that rate of speed in Scotland. The present rate at which the posts in Scotland are conveyed on horseback is generally about seven miles an hour, and on foot about three; so that in point of expedition the advantage would be very great, and in point of safety it would also be considerable.

387. Mr. *Parker.*] What distance do the foot-mails go?—Some of our posts go from 60 to 80 miles.

388. Foot-posts?—Yes; we have relays of foot-boys running; they are styled runners.

389. *Chairman.*] What is the figure of the carriage used in Ireland?—It is a square carriage with two wheels; a driver's seat, under which is placed the mail, and the passengers enter at the rear of it, and sit vis-à-vis.

390. What is the general expense of the horse-post per mile?—In Scotland a daily post is about 8*l.* per mile per annum, and a three-day post half that.

391. By the plan you propose, you think they might be carried at a considerably lower rate?—Eight pounds per mile per annum is about 3*d.* per single

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mile per day. At first perhaps the saving I am anxious to effect would not be obtained, because the novelty of the measure would necessarily lead to greater expenses in the first instance than would be necessary afterwards; but I think that ultimately we should get our mails conveyed at a price not exceeding 1 *d.* per mile.

392. Do you think that the heavy rate of taxation which now presses upon land conveyance would be a material obstacle to the establishment of such carriages as you speak of?—I have been endeavouring to establish those cars, and they have totally failed, but I am convinced that that is owing entirely to the public taxes, to which any person embarking in the speculation at present would be subject.

393. Do you think that taking off the tax upon the carriage itself, and reducing the mileage duty by one-half, would enable parties to establish these modes of conveyance?—I am sure that in many of the important lines a reduction to that extent would enable parties to establish the cars to which I have alluded; in the greater part of the remoter districts there is very little travelling going on, owing to the want of some conveyance, and I think that the establishment of these cars would necessarily induce many persons to travel, who never think of travelling at present.

394. Mr. *Parker.*] How long has this system been in operation in Ireland?—It had been in operation several years before I left, which was in 1831; I should say about 12 or 14 years.

395. Has it had the effect of diminishing the expense of the conveyance of the post?—Undoubtedly, I should think so.

396. There is no taxation whatever there?—No.

397. What was the state of the post in Ireland when you were first acquainted with it?—Nothing could be more deplorable in every point of view; nothing can give the Committee a greater proof of the importance of affording facilities to the establishment of public carriages than a comparison between the state of Ireland in 1801, when I was first appointed, and when I left in 1831. In 1801 there were but three public carriages in the kingdom, if I recollect right, on which the mails were carried, and there were none on any of the cross roads. There were very few roads of any description in the country, and none on which coaches could travel beyond the rate of four miles an hour. They could only go at the rate of four miles an hour for many years after I was appointed; but when I left Ireland in 1831, the mail-coach system had been extended to every corner of the kingdom, and putting a chain round the entire coast of Ireland; I do not think that there was one single link unsupplied with a mail-coach, and they were then travelling at the rate of from nine to ten English miles an hour.

398. Does Government make any allowance for the conveyance of the bags?—Yes, the allowance varies according to the circumstances of the intercourse.

399. And of course, if the cars of which you have spoken were to be established, you would propose that there should also be some allowance made for carrying the bags?—Yes, by way of mileage.

400. Mr. *Handley.*] Have you any mails conveyed by steam in Scotland?—Yes; we send the mails whenever steam proprietors offer facilities for the purpose; we send mails by steam to Orkney, Shetland, Aberdeen, and other places; and we send mails from Glasgow in every direction.

401. *Chairman.*] As far as the conveyance of the mails is concerned, do you think there would be any loss to the Government if the tax were taken off?—None whatever, because there are no such conveyances in existence where I would propose to send these cars, and therefore there can be nothing at present to produce a revenue to the Government; but though I would recommend that those cars in the first instance should be exempt from all taxation, I do not say that it would be necessary to continue that exemption; I think they might be established with a graduated tax with reference to time; for three years I would make them exempt altogether, and afterwards they would very likely become so profitable, that they might fairly be made liable to a small impost.

402. Would not the Treasury gain in the post-office department what it might lose in certain cases in the department of stamps and taxes, by taking off the duty on carriage conveying the mail-bags?—Every thing saved in the post-office must be a direct gain to the Government, and getting nothing now, they would, I think, by the plan I have suggested, gain in the reduction of the post-office mileage, so that it would be all gain to the Government. However, the great gain to Government

ment would be through other branches of the revenue; opening facilities of communication, allowing villages and towns through which the carriages were to pass to have the benefit of the transport of goods and parcels to the different persons concerned in the trade and commerce of the country.

403. What number of miles of horse-posts have you in Scotland now?—I think in round numbers we may take them at between 2,500 and 3,000 miles; but I can send in to the Committee a schedule of them all, and the exact distance of each.

404. Can you state the number of foot-posts?—Yes, the whole distance together, upon which there are no carriages, is between 2,500 and 3,000 miles.

405. Will you be good enough to make up a schedule containing the comparative number of miles of horse and foot posts, and send it to the Committee?—Yes.

406. Would a better system enable you to convey posts into districts, which are now altogether destitute?—Certainly, great facilities would be afforded for such extension; my impression is, that if it were generally known throughout the country that a mail-cart carrying the mail would be exempt from those public taxes which prevent their introduction now, we should have offers from every part of the country for the establishment of them.

407. Mr. *Handley*.] Can you enumerate the taxes to which you allude?—The duties at present paid upon carriages carrying passengers are the assessed taxes for the servant, mileage and the annual payment according to the number of wheels.

408. Mr. *Foster*.] Is not increased activity in the trades of saddlers and coachmakers the consequence of horses and carriages being untaxed in Ireland?—That is one of the branches of the revenue which, I say, the Government would also gain in.

409. Do you not conceive that if those taxes were abolished in England and Scotland, the same consequences would follow?—Yes.

410. *Chairman*.] Will you be good enough to furnish the Committee with a table of the roads on which you would propose to establish those conveyances for mails in Scotland?—Yes.

411. It is scarcely necessary to ask, whether you think the establishment of those cars which you have mentioned would be a very great accommodation to the public, both as respects the conveyance of the mail itself, and also as tending to facilitate the means of intercourse between different parts of the country?—I can have no doubt at all that it would be a very great accommodation to the public; I have often felt great surprise how passengers can find their way from the interior of Scotland to the main lines at all, for there is no description of carriage to be had; I could enumerate a dozen at this moment.

412. Mr. *Parker*.] Has any practical inconvenience arisen in Ireland from carrying passengers in mail-carts?—No, the contrary has been found to be the case.

413. You are aware that in England there is an objection to that?—There is a regulation of the Treasury prohibiting it, and there is a statute which imposes a heavy penalty for doing it.

414. *Chairman*.] Do you conceive that that is an absurd regulation?—Undoubtedly.

415. Mr. *Handley*.] Do you not think that if passengers were allowed to be carried, increased security would be given?—Certainly I do, and I could give a very strong proof of the necessity of it. On a very important line of between 70 and 80 miles, we were for months in the course of last year subject to constant plunder of the mails; all our efforts to detect it were in vain for a long time, and it is only within these three weeks that we have got to the full detection of it. Our mails have been opened day after day, though secured in the best manner, and we could not trace it, owing to the variety of hands through which the bags went. They went through the hands of post-boys, ferrymen and others, and we could for a long time come to no conclusion as to where, how or by whom the depredations were committed. It went on for many months, and the expense of our efforts to detect it amounted to 300 *l.*, 400 *l.*, or 500 *l.* If a mail-cart carrying passengers had been on that road, they would have been a great protection.

416. Mr. *Handley*.] If in any quarter apprehensions were entertained that designing persons might, as passengers, effect robberies of the mail, would not such

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such persons have an equal facility at the present moment of stopping the mail in its progress?—Certainly, and much greater.

417. Then you consider that security would be obtained, and that the mail could not by possibility be placed in greater risk than it is at present?—On the contrary, I always considered that there is safety in numbers.

SCHEDULE of the LINES of COMMUNICATION on which it is the opinion of Sir *Edward Lees* that MAIL-CARS should be established.

	Miles.		Miles.
Alloa to Muckart - - -	about 10	Fort William to Arisaig - -	about 37
Ayr to Dalmellington - -	ditto 16	„ to Fort Augustus -	ditto 32
Airdrie to Hamilton - - -	ditto 9	„ to Dalwhinnie -	ditto 36
„ to Lanark - - -	ditto 16	„ to Bunaw - -	ditto 40
Ayr to Douglas Mill - -	ditto 38	Greenock to Largs - - -	ditto 14
Aberdeen to Rhynie - -	ditto 39	Glasgow to Ayr - - -	ditto 34
„ to Braemar - -	ditto 62	„ to Falkirk - - -	ditto 24
„ to Banff - - -	ditto 46	„ to Greenock - -	ditto 24
„ to Methlie - - -	ditto 21	„ to Inverary - -	ditto 60
Bridge of Earn to Dunning -	ditto 10	Hawick to Kelso - - -	ditto 21
Banff to Fochabers - -	ditto 27	Haddington to North Berwick -	ditto 13
Lerwick to Stromness - -	ditto 30	Inverkeithing to Stirling - -	ditto 25
Banff to Fraserburgh - -	ditto 22	„ to Crail - -	ditto 35
Berwick to Hawick - - -	ditto 55	Inverary to Oban - - -	ditto 24
Callander to Killin - - -	ditto 23	„ to Dalmally - -	ditto 16
Cupar to Auchtermuchty - -	ditto 14	Inverness to Cromarty - -	ditto 26
Castle Douglas to Dalry - -	ditto 17	Kilmarnock to Douglas - -	ditto 33
„ to New Galloway	ditto 15	„ to Saltcoats - -	ditto 14
Coldstream to Dunse - -	ditto 11	„ to Cumnock - -	ditto 17
Carr Bridge to Nain - -	ditto 42	Leven to St. Andrews - -	ditto 25
„ to Keith - -	ditto 65	Lochgilphead to Bowmore -	ditto 53
Dunse to Ayton - - -	ditto 11	Montrose to Fettercairn - -	ditto 13
Dumfries to Sanquhar - -	ditto 28	„ to Forfar - - -	ditto 23
Dingwall to Broadford - -	ditto 79	Peebles to Inverkeithing - -	ditto 8
„ to Ullapool - -	ditto 50	Pitlochrie to Rannoch - -	ditto 19
„ to Pollew - - -	ditto 60	Stirling to Callander - -	ditto 16
Douglas to Ayr - - -	ditto 36	Stranraer to Dromore - -	ditto 20
Dunkeld to Killin - - -	ditto 50	Sanquhar to Ayr - - -	ditto 44
Edinburgh to Prestonpans -	ditto 9	Wick to Huna - - -	ditto 20
„ to Penycuik - -	ditto 11		
„ to Kirknewton - -	ditto 11		1,699

James Allan Maconochie, Esq., called in; and Examined.

J. A. Maconochie, Esq.

418. *Chairman.*] YOU are sheriff of the county of Orkney?—I am, and have been so since 1822.

419. That is one of the most remote districts of Scotland?—It is; it includes the Shetland Isles also.

420. It is very much intersected by the sea?—Very much.

421. Do you conceive that the establishment of such conveyances as you have heard contemplated by Sir Edward Lees would be beneficial even to that county, intersected as it is by arms of the sea?—Of the greatest possible importance.

422. Can you mention any particular line of road where the establishment of such a conveyance would be of importance?—I think chiefly in the mainland of Orkney. There was a report made up this spring by a committee of the county of Orkney, for the information of Sir Edward Lees, which contained the opinion of the resident gentlemen, and in every word of which I entirely concur. I may mention that there is one particular line of road, namely from Kirkwall, which is the chief borough of the district, to Stromness, which is its principal port, being a distance of from 15 to 16 miles. There is a post goes from Kirkwall to Stromness, but it is conveyed in the least satisfactory manner possible. It is brought on an old man's back, who is very often in the habit of delaying it six or seven hours, and the people cannot depend on their letters. I myself have known, in travelling over in a buggy from Kirkwall to Stromness, the postman ask me to allow the bag to be put into my buggy, and that I should take it over to the place.

423. Do you think if the duties on communication were reduced, and encouragement afforded by Government for the carrying of the mail-bags, that cars, or some conveyance of that kind, would be established on that line?—I am sure the establishment of a car carrying passengers would be attended with infinitely less expense than the present very improper mode of sending it on foot; there are no turnpikes in Orkney at all. *J. A. Maconochie, Esq.* 16 June 1837.

424. Is there any public conveyance at present?—There is none; at the time when I first became connected with the county, there was no conveyance at all except by hiring a boat, which, owing to the creeks, made a distance of 15 miles amount to 25 or upwards; now there are four or five gigs to be hired in Kirkwall and Stromness, but they are at such an extravagant rate, that they very nearly double that of a chaise in any part of the kingdom; but, even with that inconvenience, the people find it their interest to maintain them, and I am quite sure a car to carry passengers and the mail might be kept for a very small sum, and would be considered a great boon to the county.

425. Do you think the present taxation pressing on land conveyance is a material obstacle to the establishment of such carriages?—A very great obstacle.

426. Have you travelled in Ireland?—Yes.

427. And have you found great convenience in your journeys from the establishment of those conveyances to which Sir Edward Lees has alluded?—Unquestionably; I think the manner in which the mails are conveyed in the south of Ireland does not admit of improvement.

428. Do you think, considering the comparative poverty of Ireland, they would be able to run there, if they were subject to any thing like the same taxation as they pay in this country?—I should doubt it; from the situation I held formerly, being one of the deputies of the Lord Advocate for a good many years, I can completely corroborate the statement made by Sir Edward Lees; in my opinion the passengers would be a great security; there have been instances, unquestionably, in which the mail has been taken by thieves, but there the detection of the thief took place owing to there having been passengers; and I am quite sure, in the unfrequented parts of Scotland, in the Highlands and Islands, it would be very easy at this moment to rob the poor old men or children who are sent with the mail-bags.

429. Mr. *Parker.*] Are they ever robbed?—Yes, I think there was an instance not long ago of their being robbed; there have been several instances of the mails being stopped, and the bags being carried off, but they are of rare occurrence.

Mr. *Lewis Levy*, called in; and Examined.

430. *Chairman.*] YOU were for some time farmer of the post-horse duties in one of the southern districts, were you not?—In most of the districts in the south. *Mr. Lewis Levy.*

431. Did you understand that many complaints were made by the postmasters as to the mode of collection of post-horse duties?—I never heard any complaints in the south; there have been a great many complaints in the north; I believe in the south the postmasters were quite satisfied as the law stood, at least in the mode of collecting.

432. They complained, did they not, of the amount of taxation?—Yes; one of the great causes of complaint was the tax on the post-chaises and the glass coaches; because if a gentleman went to an inn at Barnet, for instance, and had his own carriage, he was charged 1*s.* 3*d.* or 1*s.* 6*d.* a mile, as the rates were in that part of the country the same as if he had a post-chaise, and had the wheel-duty to pay on it.

433. Did it not necessarily happen that the same individual paid duty upon different carriages, while he could only use one at a time; as, for instance, his customers would prefer a close carriage in winter, and an open one in summer; he was obliged to keep both descriptions of conveyance, and to pay duty upon them, though he could only use one at a time?—That is often the case in large towns; in winter the post-chaise is used, and people at other times of the year would like a different sort of carriage, and the proprietor is obliged to pay five guineas per annum for each of them.

434. The postmasters whom you know would consider it a great relief to have that five-guinea duty taken off?—Yes; in the county particularly which I have had

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had connexion with, and for which I collected the post-horse duty for 25 years, the county of Kent; to that county it would be the greatest boon.

435. Would not the taking off of that duty facilitate the keeping of chaises and gigs at country inns, and the communication by cross roads, where no conveyances of that kind are now to be hired?—It would; and it would have another effect; as the law now stands, the respectable innkeeper cannot afford to keep those carriages, nor can he compete with a description of persons that have lately started the flies about the country, who are irresponsible persons, and nine times out of ten they pay no duty at all. At the watering-places in the county of Kent, particularly, they will keep those carriages during the summer months, and in winter they are off altogether.

436. Would not this be rather an advantage than a loss to the revenue, as they would gain in post-horse duty more than they lost upon the duty on carriages?—I think it would; I am quite certain that in the south they would gain quite as much by the increase in the post-horse duty as they would lose by taking off the wheel-duty.

437. Does it occur to you that there would be any great facility of evading the post-horse duty by persons keeping these carriages nominally to let to hire, but really for their own use?—I do not know of many instances of that sort.

438. Would it not be easy to introduce such regulations as would effectually protect the revenue in such cases?—Yes.

439. Just suggest some?—As the law now stands, if an innkeeper lets a carriage to travel by the mile, he is bound to have his name and residence on that carriage; but if it is not hired by the mile, they have no occasion to have it, and no one knows whose carriage it is; that was in consequence of a petition from the London postmasters, who state that there are a great many persons who occasionally hire horses and carriages, and they do not like to have it seen that the carriages are hired; and there are a great number of persons who hire gigs on Sundays, who would not have them, as they stated, if the badge was on, announcing that they were hired carriages. It is impossible now to see which are hired carriages and which are not; for the first gentlemen's and noblemen's cabs that you see are hired.

440. Do you propose to make this badge compulsory?—I should humbly submit, that if a postmaster were to be exempted from the tax on the carriage, if he furnished the carriage to the traveller, that it should be known it was a hired carriage.

441. You contemplate in the case of the establishment of these chaises and gigs, that they would run under the post-horse duty?—Yes.

442. Do you think that the precautions you have already suggested, along with an entry similar to the 7*s.* license paid by postmasters now, would be a sufficient protection to the revenue?—Yes; I do not think the objection as to having the name and residence of the persons letting the carriage is so great in any part of the country as in the neighbourhood of London; I have never found much objection to it in any of the country places.

443. Do you contemplate any relief to postmasters by a reduction of the mileage duty?—I do not think you could afford the postmaster any relief by deducting the mileage duty, that is, the straight-forward mileage. For instance, if a gentleman hires a pair of horses from London to Hounslow, which is a distance of 12 miles, I should think it would be impossible to make any reduction to give the public any benefit, or do it in any way that would increase the revenue, because the duty per horse now upon the line is $1\frac{1}{2}d.$ per mile. Now, if you were to take off even half, it would be no relief; there are two or three other modes of relief which, I would submit, might be granted to the postmasters, and would not very materially affect the revenue.

444. Will you be good enough to state them?—Before I state them, perhaps the Committee will allow me to say, that in granting that relief it should be confined to the locality of the places; for there is so much difference in hiring carriages in one part of England to another part within 100 miles of it, that it is hardly possible for me to describe the difference: now I would first submit that you might decrease the duty for what we call day-work for the London postmasters, which would be a material benefit, and not greatly decrease the revenue; they now pay 5*s.* for a pair of horses, 2*s.* 6*d.* per horse, to go any thing above eight miles, which they complain of very much, and I do not think without

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without reason; now I should submit, that if you were to reduce that to 3*s.* 6*d.*, that is, 1*s.* 9*d.* each horse, they would consider it a great boon to them, and it might enable them to compete a little with the steam-travelling and railroad travelling there is now; but when I state that I must likewise say that it would not be right to do that on all carriages, I should particularly say I would exempt the black carriages from that relief—the carriages that follow funerals: now it may not perhaps strike the Committee that that is the greatest monopoly in London; at this time there are not more than five or six persons who let those carriages and horses out in London, and they charge whatever they please; if you have a coach to go half a mile, you cannot get it done under 26*s.*; now I should submit, that in the relief afforded—if it is the intention to afford relief—to a person who lets horses, and charges 12*s.*, and has to pay out of that 3*s.* 6*d.* duty, those persons I have alluded to should not participate in that benefit, because every gentleman who has had the misfortune to lose a relative must know that ten guineas is charged for a carriage, and four for a very little way, and six guineas for only four or five miles, and there is nobody to compete with them.

445. Do you propose, in the alteration that you suggest, that the same option should be given to postmasters to run either by the mile or by the day, as they have at present?—Yes.

446. Then the effect of your alteration would be, that upon long distances postmasters would always run them as a day job?—Not if it was straightforward; as the law now stands, if they go straight forward, we will say from London to Windsor, which is 21 or 22 miles, they must pay 3*d.* per mile, 1½*d.* per mile per horse; but if they bring the parties back, then that is denominated a day job.

447. You do not think the revenue would be seriously injured by this?—I do not think it would; I think there would be more carriages hired; I would then submit that the duty on horses that do not draw carriages might be safely taken off; it is now 1*s.* 9*d.* under eight miles, and 2*s.* 6*d.* above eight miles for the day; I think that might with safety be made 1*s.* 6*d.*, and the revenue would not lose by it.

448. You are speaking now of saddle-horses let to hire?—Yes.

449. From having been employed in different parts of the country in the collection of the revenue, can you state from your experience, that the establishment of those chaises and gigs, to which we before alluded, in different parts of the country, would be a very great convenience to the public?—Yes, it certainly would in some places; and, by taking off the duty on the carriage, you would get the fair duty, which it is impossible to obtain now, for the post-horse duty is very difficult to collect. It is impossible to bring proof home to a man of fraud in the post-horse duty, unless you employ an inspector or some confidential person to look after the persons who let horses.

450. Have you any other suggestions to make to the Committee?—Only that, as the law stands at present, horses pay the duty from one to twenty-eight days. The postmasters in the neighbourhood of London consider that a very great hardship, and I think great relief might be given to them without diminishing the revenue. Persons that travel for commercial houses very often have horses for three or four weeks, and the postmasters are obliged to do that very cheaply, sometimes for 4*s.* or 5*s.* a day; and if the time were to be only 16 days instead of 28, they would consider that a very great relief, and I think it might be done without at all diminishing the revenue.

451. You mean that in that case they should be charged under the assessed taxes, and not under the stamp-duties?—Yes.

Mr. *William Clarke Wimberley*, called in; and Examined.

Mr. *W. C. Wimberley.*

452. *Chairman.*] YOU live at Doncaster?—I do.

453. And you are connected with the stage-coaches running the Great North road?—I am.

454. You have kept accounts for several of the coach proprietors, have you not?—For three; one from London to Newcastle, that is the Wellington; another from London to Carlisle, the Express; and another from London to Leeds, the Rockingham. I also settle the accounts of several smaller coaches, to the amount of thirteen altogether, cross coaches and others.

Mr. *W. C. Wimberley.*

16 June 1837.

455. Have the coach proprietors found their business a remunerating one for some years past?—I can safely a id conscientiously say they have not.

456. To what do you attribute the decline in their business?—Principally to the increase of navigation by steam. The line of road on which these coaches run is almost parallel with the coast, and the facilities of conveyance from London to ports within a very short distance of the road is a cause why passengers flock to the conveyances by steam, and abandon the coach-road to such a degree that I can safely say the proprietors do not get any thing like a remunerating profit.

457. Do you conceive that it is their having inns and other establishments, to which the coaches bring visiters, which alone enables them to go on?—I believe it is principally that. Perhaps one striking instance of the decline of business may be, that they have been compelled, within the last four or five months, to drop the coaches one day a week, that is to say, they all now run six days instead of seven; it is not positively the Sundays, but they are alternate; the one stops on a Sunday, and the other on a Saturday, for the general interest of all. All of them that I am connected with of the long-coaches have stopped one day a week, so that there is a diminution of one-seventh in the payment of the duties.

458. Mr. *Parker.*] Although the travelling on the great lines may be diminished by steam or railroads in a particular direction, do you not find the travelling upon the collateral lines is very much increased, that is, the lines that fall into the main lines?—Yes, in one or two instances; for instance, from Sheffield through Doncaster, and so down the river Don and the Humber to Hull; there they flock by scores, I may say, to take the steamer at Hull, and that business is certainly increased, but those are very small companies—companies of three or four or five proprietors; and those very persons, though they may gain a trifle on that short line of road, yet they lose in the long-run proportionably.

459. Then may it not be supposed, that though steam navigation may interfere very much with the parallel lines, that it is productive of a great increase of trade in a collateral manner?—I cannot contradict that certainly; but I would observe, that where there is an advantage, it is only on a short line of road. In some cases perhaps it may be 20 or 30 miles; in other cases it may be more, as from Leeds to Selby, I was going to say; but that is a railroad communication again, which is against the coaching concern.

460. As a great many radii may fall into the same point, will not the increase of the branches make up for the decrease in the direct line?—Not by any means; besides which, they are in different hands.

461. *Chairman.*] It is your opinion that, taking the number of passengers and the number of miles travelled, the amount of land travelling is not so great as it used to be?—Certainly not; it is diminished excessively.

462. Do you conceive that the coachmasters have any thing to complain of on the score of unequal taxation?—Certainly, and they do complain of it.

463. Can you state to the Committee the amount paid per annum by any of these companies whose accounts you manage, in the shape of Government taxation?—I have made up a statement, which I will furnish the Committee with, of one coach, which will do as an instance for the whole, being all equally taxed proportion to miles.

[*Witness delivered in the following paper:*]

STATEMENT of DUTIES and other EXPENDITURE of the WELLINGTON COACH from *London* to *Newcastle* for 364 days.

	£.	s.	d.
Duty for four inside and eleven out, sixpence per double mile, that is up and down, 278 miles	2,529	16	–
Stamps for receipts on payment of ditto	1	12	6
Four licenses (four coaches being used successively up and down)	20	–	–
Assessed taxes on coachmen and guards	17	10	–
£.	2,568	18	6

Since 13th November 1836 the duty paid is one-seventh less, or £.2,168. 8*s.*, the coachmasters having been compelled, from deterioration of their trade, to stop the coaches one day of the week.

The

Mr. *W. C. Wimberley.*

16 June 1837.

The other charges under which this coach labours are :—

	£.	s.	d.
Tolls (annually) - - - - - - - - - -	2,537	7	8
Expense of the coaches (being hired at a rate per mile) -	1,274	–	–
Other incidental matters about - - - - - - -	800	–	–
£.	4,611	7	8

The tolls and coach-hire are also now reduced one-seventh, as above stated ; but the annual expense is still about £.6,000 without that of the horses ; and of these about 250 are necessary and in constant service.

The fares per coach from London to Newcastle are—

Inside - - - -	£. 4 10 –	with road expenses.
Outside - - - -	2 5 –	

By steam, passengers have been conveyed the same distance—

Best cabin - - - -	£. 3 – –	including provisions
Fore cabin - - - -	2 – –	and all expenses.

From London to York—

Coach inside - - - - -	£. 3 5 –
„ outside - - - - - -	1 14 –

London to York viâ Hull by steam—

Best cabin - - - - -	£. – 8 –	expenses not
Fore cabin - - - - -	– 4 6	included.

And from other points of the road at a similar unequal rate of competition.

London, 17 June 1837. *W. C. Wimberley.*

N. B.—The above is for 364 days, or 13 lunar months, the accounts being settled every four weeks. The charges being graduated according to number of miles, it will serve for any other coach worked a given distance.

464. All the taxation mentioned in the document which you have made up, would require to be removed to put coach proprietors on an equality with their competitors by steam-power ?—It is perhaps not for me to say any thing about taxing another line of business, but that would not place us exactly on a level with them in point of business ; because, be it as it may, their fares are so excessively low, that no reduction in our taxation could enable us to compete with them, if they remain untaxed.

465. Do you not think all the coach proprietors could reasonably demand is, that as far as regards taxation they should be put on an equality with their competitors ?—Yes, and that is all they desire, and as long as there was not this unfair competition, the coach interest never thought of complaining, but paid immense sums to the Government with the greatest cheerfulness, and even now they would not desire a reduction, if it were not that they are forced to do it by unequal competition.

466. Looking to the further increase of steam as a motive power by land as well as water, do you contemplate still more serious consequences than have yet occurred to the coach proprietors ?—Certainly, they do contemplate almost the cessation of travelling, and therefore what they ask is merely a sort of reprieve, or power to gain a little before they are completely done up.

467. Mr. *Parker.*] It appears that in 1835 the stage-coach duties were 480,000*l.*, in 1836 489,000*l.*, and in 1837 503,000*l.* ; now, as the stage-coach duties have increased in conjunction with the great increase of steam both by land and by water, on what ground do you base your fear that the result in future years will be different from the result in past years ?—I do not think the amount of duties can be a fair criterion of the success of the coaching interest, because we find that persons will have coaches going, whether they gain or lose ; there is very frequently that strange system in the coaching interest, that persons will put on coaches merely for the sake of putting them on ; and besides, this would apply to the general coaching interest throughout the country, and my evidence bears on a particular line ; I am not prepared to speak as to the success of the general coaching interest, but only of the line of road from London to Newcastle parallel with the coast.

468. You speak to the great lines ?—To the great lines ; the great eastern lines principally.

469. Mr. *Handley.*] Is it not frequently the case that an innkeeper in a good connexion of business will put on a coach in order to keep others off ?—It is a fact.

Mr. *W. C. Wimberley.*

16 June 1837.

470. Are there not many instances in which coaches have been so kept on at a positive loss, rather than allow the line to be interfered with?—Yes, I can conscientiously answer that they are; the profits are so decreased of late, that the mileage is very much below a remunerating profit.

471. Have you any other suggestions to make to the Committee?—No.

Mr. *Christopher Kemplay*, called in; and Examined.

Mr. *C. Kemplay.*

472. *Chairman.*] WHERE do you reside?—At York.

473. You are connected with some of the coaches running upon the north road?—Yes, in the same way as the gentleman who has just been examined, as settling agent to coaches between Leeds and Newcastle, York and Newcastle, which form portions of two of the principal lines between London and Edinburgh, and which have a connexion with the southern coaches from Leeds and York to London, and the northern ones from Newcastle to Edinburgh; but the accounts are made up separately. I have also the accounts of some coaches from Leeds westward to Kendall in Westmorland, and to Preston in Lancashire.

474. You have heard the evidence which has been given by Mr. Wimberley; do you generally concur in the tenor of that evidence?—Decidedly.

475. Have you made up any statements with a view to furnish them to this Committee?—No, I have not; I have taken some few results with regard to the account of duty paid by one or two coaches, and have made a calculation as to the per centage, showing the proportion that the duty bears to the actual receipts on a coach. I find on an average of one coach that I have from Leeds to Newcastle; it is the only coach which now runs seven days in the week; all the others have been stopped on a Sunday; this is a night coach, and therefore does not interfere with Sunday earlier than eight in the evening. I find the amount of duty paid on that coach for one year was 864*l.* 10*s.* That amounts to full 13 per cent. of the gross receipts, and from that calculation I deduce, that at the ordinary rate of fares as they are now charged, for travelling 100 miles an inside passenger pays not less than 4*s.* in duty, and an outside passenger about two-thirds of that. I know that last year the fare by some of the steam-packets from Hull to London was no more than 4*s.* best cabin, and 2*s.* in the steerage, so that, according to my calculation, the fare by the best cabin was just about half what would be paid in duty for the same distance by coach; and if an equal rate per head was levied on passengers by steam-packets as is paid by stage-coach passengers, there would have been 8*s.* to be added to the 4*s.* charged for each passenger.

476. The mileage duty is the same, is it not, on outside as upon inside passengers?—It is so much a mile upon the coach.

477. Is it not the fact that a coach pays duty upon the number of passengers it is licensed to carry, without reference to their being inside or outside passengers?—Yes, and without reference to the numbers they actually carry. If the coaches were always full, the per centage would be much less; but that is not the case; if a coach were always full, the duty would not amount to more than 2*s.* 1*d.* instead of 4*s.* upon an inside fare for 100 miles; but taking the average number of passengers actually carried throughout the year (and I have calculated on a year that seemed to give a fair specimen of what has been done generally), the duty would amount to 4*s.* for an inside passenger travelling 100 miles.

478. Then the coachmasters have to complain not only of paying a heavy amount of duty, but of being obliged to pay duty on empty places?—Yes; but I do not see how that could be remedied. In the calculations I have made, I have given merely the mileage duty; I have not included the license duty, nor the tax upon coachmen and guards, which is not a great deal, and with regard to the license duty, I should say, not complained of by coach proprietors.

479. Have you any other suggestions to make to the Committee?—During the last seven years there have been many attempts made to establish additional coaches between Leeds and Newcastle. There have been four attempts, three of which have utterly failed; but I believe, with the exception of one coach which seems to have maintained a permanent establishment, there has not been any increase of coaches on the roads between Leeds and Newcastle, and York and Newcastle, for the last 20 years nearly. In fact, probably allowing for that one additional coach, there is an actual diminution of the means of conveyance upon these lines, partly arising from a decrease in the number of passengers

each

each coach is licensed to carry, and the stoppage of the coaches one day in the week. Mr. C. Kemplay.

480. A question was put to the last witness respecting the increase of the mileage duty on coaches, which has increased to a small extent during the last year; do you conceive that that increase has been proportionate to the increased communication which is necessary from increased population and commerce in the country?—Not in proportion to the increase of commerce and population; but they seem to have travelled by different modes; I am aware that the cheap fares by the packets from Hull to London have drawn great numbers of York people by that line to London, instead of by the coaches. We have, in fact, from York a steam communication the whole way to London. There are packets from York to Selby, and from York to Hull; some of the packets only go down to Selby, and have a communication with other packets from Selby down to Hull, and some go from York to Hull. I believe (and my belief is partly founded on a statement which Mr. Wimberley has given in) that you might build one of the largest first-rate steam-packets for the money paid by coach-masters for duty, tolls and coach-hire between London and Edinburgh in three years. One of the attempts to establish a new coach upon the line between Leeds and Newcastle is rather remarkable as being established by a Joint Stock Company, composed of persons not at all connected with the business, nor with the inns on the road. It was an attempt to create a new era in coaching; they fancied that there was an unwholesome system carried on by the innkeepers who were hitherto the chief coach proprietors, and after carrying on their concern for about a year and a half, they gave it up, after having incurred a loss, I believe, of many thousand pounds. They did not find their own horses, but contracted for the working of the coach at so much a mile. If the statements that were made to me were correct (and I believe them to have been so), there was more money paid to those contractors than the company were receiving, after paying the expenses of tolls, duty, and so on, so that they were necessarily losing a large sum of money constantly, and the concern wholly failed. 16 June 1837.

481. That implies that the innkeepers maintained the coaches, not for the profit which, as coaches, they might receive from them, but as the means of bringing visitors to their inns?—I should hardly say that; it was the case in former years, but now the great rapidity with which coaches are hurried along, and the manner in which they are made to work together, has greatly diminished the advantage that coaches could produce to an inn; but I think that very frequently an opposition has been carried on by the old coach-masters from a sort of attachment to the road, a desire to keep it to themselves, and a spirit of party against all intruders, and they have sometimes lost large sums of money. But I conceive that at present there are as many coaches upon the road that I have any acquaintance with as can be maintained, with the present burthens under which coach proprietors labour.

482. A man in trade, with a certain stock, will very often carry on his business for some time with a very small profit, or with no profit at all, rather than abandon it?—Decidedly.

Mr. *Charles Collins*, junior, called in; and Examined.

483. *Chairman.*] YOU are a coach proprietor on the Blackheath and London road?—I am. Mr. C. Collins, jun.

484. Have you been increasing or diminishing the number of your coaches on that line for some time past?—They were increasing till within about three years ago. The first establishment of steam-vessels was the first means of diminishing their number.

485. Will you state to the Committee the number of coaches you had running at that time, and the number that are now running upon that line?—The number of coaches that I now have running is just half what it was, and the other coach proprietors in the same proportion; some more, some less; and others are taken off the road altogether.

486. To what do you attribute this diminution in your business?—In the first instance, to the establishment of steam-vessels; I consider that, without the railway, they would be the means of destroying the present class of coaches, for they run in the summer season, a time when we calculate on making our profit. The steam-vessels certainly took away nearly all our profit, and left us merely our expenses.

Mr. *C. Collins*, jun.

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487. Has the railway had a still further effect?—Yes; since that time the railway has so much diminished the number of passengers by our coaches, that it is impossible for all those that are now working to be kept on. I drive myself, and have done so for many years; and on many days I find I cannot earn enough to pay my expenses out of pocket; I have no man to take 10*s.* or 15*s.* a day out of it, for I drive myself, and yet I can hardly pay my expenses. The only question is, whether the coaches are to be kept on or not, and I am quite certain that, unless some relief is afforded us, they cannot be continued on the road.

488. Mr. *Handley.*] Does your coach go from the city or the west end of the town?—From Gracechurch-street.

489. *Chairman.*] Did you apply to the Treasury to be allowed to compound?—I did some time ago; I have not done so lately.

490. What induced you to make that application?—It was when the Act first came into operation; I made the application, thinking I should be saved the trouble of having tickets, and making out accounts, and so on.

491. Have you applied for leave to compound since the railway has been established?—No, I have not; but to show that we really felt this evil, I may state, that some 12 months ago I consulted with several stage-masters, and we got a petition drawn up, intending to present it to The House of Commons; that petition, they told me, was taken to Mr. Spring Rice in order to get him to present it, and the stage-masters promised to go with me as a deputation to him, for I told them that I felt it so severely (and they expressed the same to me), that unless something was done, it was impossible for our coaches to be kept on the road. As a proof of the injury which we have suffered, and are now suffering, I may state that, with respect to one coach, the parties told me that three years and a half or four years ago they were offered 1,400 *l.* for it, and it was sold for about 220 *l.* not two months ago.

492. Mr. *Handley.*] You mean that the business has so much decreased?—Yes.

493. *Chairman.*] You do not mean that 220 *l.* was given for the actual coach, but for the ground?—No, for the whole stock and every thing. As to the number of passengers I may state, that to my own knowledge, for I am with the coach always myself, I had about 23 or 24 regular morning passengers, and I have not now more than four or five to depend on, and sometimes not more than three; in fact, there are only two passengers that have not travelled by the railway. Before the establishment of the railway, I had a four-horse coach and a three-horse coach, and they were both of them almost invariably full, particularly in the morning.

494. Do you conceive that you have to complain of the amount of taxation which you pay to Government upon your coaches?—As compared with other conveyances, I certainly think we have.

495. You did not complain of these taxes so long as you had not to compete with untaxed power?—Certainly not.

496. What do you suggest as a remedy?—I should suggest that a portion of the duty be taken off our coaches, and an equivalent put upon the steam-vessels, and that the railway proprietors should not have the privilege of compounding as they do now, unless we have the same privilege under certain circumstances. We consider it very unfair that a railway, as I am given to understand, can compound for a twentieth part of their actual duties, and that we are obliged to pay those duties, whether we receive one shilling or ten. We pay according to the number of passengers we are licensed to carry; and if we have only one passenger, the duty must be paid.

497. In fact, all you ask is to be put on an equality with your competitors?—Yes, and there is another thing I would mention; I cannot conceive the reason why a stage-coach should be taxed on what we call the turnpikes; why they should pay every journey they go unpaid down the road, while a private carriage only pays once.

498. That refers to the turnpikes only?—That refers to the turnpikes only; another thing is, there is an exception on a four-horse carriage on the rates paid at the gates. Now the exception will not be held good on a three or a two-horse coach; so that we are actually paying now very nearly the same turnpike as when we had a four-horse coach.

499. Mr. *Foster.*] This is all regulated by a particular Act of Parliament?—There is a particular Act of Parliament.

500. Mr. *Handley.*] A local Act?—No, a regular Act of Parliament.

501. Mr. *Foster.*] It does not proceed from the regular Turnpike Act; is it from the Greenwich or Blackheath?—It is. I do not know that it refers to all roads. We don't complain about paying up, provided they would let us come down; but then we pay now both up and down, that is, twice in ten miles; in fact, it is twice in eight or nine miles now; we do not mind paying once; we think it only reasonable, but it appears to me rather unfair that we should pay twice in those eight or nine miles, when a gentleman's carriage may go half a dozen times.

502. Mr. *Foster.*] You should represent that to the trustees of the road?—No, I think it is law. That all bears very heavy upon us at the present moment, for the earnings of our carriages now are not half what they were before.

503. *Chairman.*] Can you state how much duty you pay to Government on a coach?—Now?

504. Yes?—Previous to this I paid about 230*l.* to 250*l.* in four journeys per day.

505. That refers to mileage duty only?—Mileage duty only, without including 5*l.* a year for every pair of plates as a license.

506. Or the duty on coachmen?—Or the duty on coachmen.

507. Do you think that if the duty paid to Government were to be entirely abolished, you would be able to continue to run your coach?—If it were taken off altogether, I do not know; I am not prepared to say what would be the result of that, for the steam would complain of paying the duty. I think a small duty on the whole of us, which would be a fair equivalent, would be rather better than the whole of the duty being taken off.

508. But all you can fairly ask is, that you may be put on an equality, either by reduction, or by a corresponding duty being placed on your rivals?—Yes; and now the duty on my coach will not be half the amount I state to the Committee, and, in addition to that, the coaches cannot be carried on. It is impossible, with the present earnings, that they can ever be kept on the road, so that the duty eventually must nearly cease.

509. By that a considerable loss must accrue to the revenue?—An immense loss must accrue in that line.

Veneris, 23° die Junii, 1837.

MEMBERS PRESENT:

Mr. Gillon.	Mr. Loch.
Mr. Parker.	Mr. Handley.
Mr. Foster.	

MR. GILLON IN THE CHAIR.

Robert Philip, Esq., called in; and Examined.

510. *Chairman.*] YOU are a proprietor of steam-boats, are you not?—Yes.

511. Engaged in conveying passengers from Edinburgh to London?—Yes; and from Edinburgh to Dundee as well.

512. You pay no tax upon your motive power employed in the conveyance of these passengers and goods, do you?—Not any direct tax, excepting the duty which is leviable upon the ships, from the lights, and the duty which is payable on the materials of which these vessels are composed, which is paid to Government.

513. Are you aware that large taxes are paid to Government by coaches conveying passengers upon land?—I believe there is a mileage duty as well as direct taxation upon the proprietors of coaches.

514. Do you not consider that the coach proprietors, being subjected to these taxes, are treated with some degree of injustice, while other parties are allowed to carry passengers free of direct taxation?—That involves a question of policy as to whether steam-power is to be put upon a level with the animal power of the

Robert Philip, Esq.

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the kingdom. It is a matter of pure expediency and policy on the part of the Government.

515. Can you adduce any reason why steam-power should be exempted from a tax which other power is subjected to?—I think I can.

516. Will you state it?—Steam-power, or I may call the physical power which man is capable of employing by means of steam, makes that power more completely under the control of man than the animal power of horses. The employment of steam-power in the country has a tendency to increase the population of the country, while it diminishes the number of horses kept in it, and renders man less dependent upon animal power than he otherwise would be.

517. Does not animal power pay other taxes to Government, by the consumption of taxed commodities, from which a steam-power is free?—When we speak of steam-power being free of taxation, I cannot think that is altogether the case, because the number of hands that are employed in the construction of the steam-engine, and the preparing the fuel from the bowels of the earth for its application, as well as the number of men that are employed in directing and feeding the engine, all these persons are the constant subject of taxation to the Government; and while steam-power in the abstract is not taxed, yet the employment of so many hands being constantly required in the construction and in the application of steam is virtually yielding to the Government a tax in their maintenance.

518. Are you aware that a proposition was brought forward, some years ago, for imposing a tax upon steam-boats carrying passengers?—I believe it was contemplated by Lord Althorp at one time, but, upon looking into the matter more minutely, it was found to be inexpedient.

519. What opinion would you form of a proposition to tax steam-vessels carrying passengers, according to the number of passengers, and the number of miles passed over?—If it became absolutely necessary that money should be raised, and that there was no more unobjectionable way of raising it than that of a tax upon steam, probably the plan which you have proposed would be the most unexceptionable.

520. Would you and other steam-boat proprietors object to the imposition of such a tax?—Under the present circumstances we should, both on account of the smallness of the profits derived from the trade, and also from the difficulty of enforcing it, because I do not apprehend that we could obtain any rise of passage-money from the public; the competition among the steam proprietors is very great, and the passage-money has been reduced to such a sum that I am quite persuaded parties cannot continue it in many instances.

521. Would it not be an equal advantage to the public that they should be enabled to travel cheaply by land as well as by water?—There can be no possible doubt of it, if the word public is to be applied without any distinction to the various classes of which the public is composed.

522. Would not the middle and lower classes be benefited by any means which would cheapen land communication throughout the country?—They would certainly be benefited, and no doubt greatly benefited, by the reduction of the taxation upon land-carriage.

523. Do you consider it fair that you should be enabled to carry on a business free from that taxation to which your competitors by land are subject; as for instance, that those steam-boats running from Newhaven to Dundee should be free from taxation, while the coaches across the Fife ferries and the county of Fife are subject to a heavy tax?—My answer to that would be, that if the steam-boat proprietors were receiving an increased price, and getting from the public a larger profit for their outlay in the trade by sea than by land, that would be an unfair advantage; but if the public are receiving the advantage of steam-boat communication in proportionate low fares, there is nothing unfair in the proprietors of a steam-boat being free of taxation, because it is not he, but the public, that receives the advantage of it; he only gets a remunerating profit in his outlay for the price of the ship.

524. Does not this freedom from taxation enable him to draw away from the coaches the passengers who might otherwise resort to those means of conveyance?—The public are the judges, of course, of what is most fit for their own convenience, and they will prefer the cheapest conveyance.

525. Are you enabled to carry more cheaply in consequence of being free from taxation?—Most undoubtedly.

526. Do you conceive that the coaches would be enabled to carry more cheaply, if they were free from taxation?—Most assuredly they would.

527. Then your wish is not to secure a monopoly of the carrying trade by an unequal scheme of taxation, but to communicate to the public generally the advantage of cheap conveyance?—Yes, by abolishing all burthens upon internal communication, if possible.

528. Do you think that a tax amounting to $4\frac{1}{2}d.$ for passengers going from London to Edinburgh would be felt as a grievance by the steam-boat proprietors?—The amount of that tax upon our trade would be nearly 4,000 *l.* a year, and it would press very unequally upon the parties who travel by steam-boats, inasmuch as the deck passenger who pays but 15*s.* for his fare, including his food, would have to pay this $4\frac{1}{2}d.$ stamp-duty, as well as the wealthier classes who are enabled to enjoy the luxury of a cabin, and who pay 3 *l.* each for their fares, and it would thus, I conceive, operate in the shape of a poll-tax.

529. Do you conceive that you would be compelled to raise your fares, if such a tax were to be imposed?—No doubt of it; it is impossible we could live without that, because it is not $4\frac{1}{2}d.$ profit upon each passenger.

530. Would it have the effect of compelling you to lay down any of your steam-boats, do you imagine?—I think not.

531. The only effect, therefore, would be to act as a small burthen upon the public for their conveyance between those different points?—It might retard the employment of additional vessels in the line; it might have a tendency to prevent an increase of the communication, but when parties have already embarked a large capital in the business which they cannot withdraw, and which they cannot even keep idle, I have no anticipation that the vessels employed in the trade will be taken out of it.

532. Does not your present remark with regard to the unwillingness of persons who have embarked their capital in a trade to remove from it, apply also to coach-proprietors, so as to induce them to keep on their coaches after they may have ceased to be a gaining concern in consequence of the competition by steam-boats or railways?—There is a difference between a steam-boat and a coach, inasmuch as that a steam-boat fitted for that trade would cost between 20,000 *l.* and 30,000 *l.*, while a coach, taken at the utmost value of it, cannot exceed 200 *l.* or 300 *l.*, and can be equally applied to any other road than that for which it was originally formed, whereas a steam-boat is fitted to that trade for which she is built; our vessels, for instance, would not be suitable in almost any other trade that could be thought of, except that of Leith and London, from the nature of the traffic that is carried on, the size of the ship, the particulars of her bottom being built to accommodate her to the shallowness of the harbour and other circumstances; she is not suited for any other species of trade, and therefore it becomes a matter of great importance that these vessels should be continued in the same trade for which they were originally built.

533. Do you think that great objection would be made by the steam-boat proprietors in general to the imposition of any tax?—I think there would be a very considerable opposition to it among the steam-boat proprietors.

534. Are you aware that steam-boat proprietors carry on the business of victuallers and retailers of wines and spirits duty-free?—The whole of the spirits which they use on board of the steam-boats have paid the excise duty, but there is no license, that I am aware of, taken out by the stewards for the sale of these wines and spirits. It is not in the coasting steam-boats as in ships going on a foreign voyage, where they are entitled to take out of bond the customable article which the ship uses in going on a foreign voyage; but all that description of articles on board of a steam-boat has paid the Custom-house and Excise duties, and there is no drawback.

535. The proprietors or stewards take out no license for the retailing of spirits, do they?—Not that I am aware of.

536. In travelling by land, you are aware that the innkeepers in the vicinity of the roads on which persons travel are all subject to an Excise license?—Certainly, and I do not think it would be unfair if the steam-boats were to be compelled to take out an Excise license.

537. Have you any other observation to make to the Committee upon this subject?—Yes; I would beg to observe, that if steam-power is to be taxed on board of steam-vessels, I think, by parity of reasoning, that the same power ought to be taxed in all manufactories in the country; for a tax upon travelling

Robert Philip, Esq.

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should not be imposed because you travel merely by steam; for it must be remembered that other goods in the country are manufactured by steam; I think, therefore, that if a tax were to be imposed upon steam-power, a tax ought to be levied over all the horse-power in the kingdom by steam; and another observation is this, if the tax were proposed to be levied upon steam-ships, either by the tonnage or by the horse-power, then I should consider that a tax upon sailing vessels ought also to be imposed; because the sailing vessels employ another species of power, namely, the winds of heaven, in propelling them, and that is the cheapest of all the powers we have got; and if, therefore, mere power is to be taxed in order to relieve animal power, then the power of the wind ought to be taxed as well as the power of steam.

538. Mr. *Parker.*] Then you think, if steam-power in navigation is to be taxed, that all power ought to be taxed in travelling, whether by wind or steam?—Yes; because these are general principles, which, I think, would only be fair; for if legislation is to seize hold of one point, and not to apply that by a general principle throughout, it will be deemed unfair by some parties.

539. If the matter were fresh, you would contend that all travelling ought to be equally taxed, whether by land or by water?—Yes.

540. *Chairman.*] Is there not this difference between steam-power employed in travelling and steam-power employed in manufactories, that in travelling it is brought into competition with another power which is taxed, whereas in manufactories all the rival powers are equally untaxed with itself?—I conceive that formerly, when a horse-mill was in operation for driving a certain quantity of machinery, that steam-power coming in competition with it has driven animal power out of use, and this I conceive is upon the same principle.

541. Do you imagine that the steam-boat proprietors desire to secure to themselves, by an unequal rate of taxation, a monopoly of the carrying trade?—By no means; I do not believe it; but there is one species of steam-power which does not come into competition with animal power at all, that is, where communication is had directly with the Continent; animal power cannot come in competition there, but sailing power comes in competition; and if mere steam-boats are to be taxed, then I say, that in order to put them on a level with their sailing competitors, sailing vessels ought also to be taxed.

Richard Smith, Esq., called in; and further Examined.

Richard Smith, Esq.

542. *Chairman.*] IN your former examination you were asked if you conceived that the checks upon railway coaches, as to the number of passengers conveyed, were sufficient for the protection of the revenue?—I have since given the subject further consideration, and I am of opinion that the plan proposed for checking the number of passengers which would be conveyed by steam-boats would be equally applicable to checking the number of passengers conveyed by railways; that the tickets which are now issued by the railway companies might be taxed in a similar manner.

543. In this way the railway coaches would still be charged upon the number of passengers actually conveyed, while stage-coaches would continue to be charged upon those they were licensed to carry, and the only difference would be, that the check would be more efficient?—Certainly.

544. Have you considered any way by which a more effectual check might be obtained upon the evasion of duty which takes place on occasions of a great run upon a particular road, in regard to the licenses upon coaches?—The 5*l.* duty, I have very little doubt, is frequently evaded, and the amount of that is a sufficient inducement to parties to evade the duty, whereas if a smaller duty were levied upon those peculiar occasions, and a particular description of distinctive plates employed for stage-coaches used upon such occasions, I think the mileage duty might be collected, and also the small licenses.

545. What amount of license would you suggest?—Two or three shillings for every week that the license is to continue in force, more than the amount which should be charged for supplementary licenses.

546. What do you propose should be the amount of supplementary licenses?—From the circumstances which have taken place, I think the amount of duty on supplementary licenses should be considerably increased, indeed raised from 1*s.* to 10*s.* at least, the amount at which licenses could be obtained previously to the passing of the last Act.

547. In

547. In the event of the 5*l.* license duty upon stage-coaches being abolished, do you conceive that any regulation would be necessary to ensure the payment of the mileage duty to the Government?—I should think it would be highly desirable that some deposit should be required from the parties applying for licenses, to be repaid or allowed in discharge of the last payment due from them.

548. Have you formed any calculation of the expense per mile of running the ordinary stage-coaches carrying 15 passengers?—I have not formed any estimate myself, as it has not fallen within my own observation, but I have understood from persons who appeared to be well acquainted with the subject that the ordinary earning of a stage-coach is about 5*l.* per mile, but that at the present time many coaches are running without earning so much; one in particular was mentioned to me as earning only 3*l.* 4*s.*, another 2*l.* 6*s.*, and another 2*l.* 5*s.*; the last of these sums, it was stated, is at least 25*s.* less than a remunerating price, the contract price for a four-horse coach complete being 3*l.* 10*s.* per mile; the coach which was thus referred to was that which was suffering particularly from the competition with steam-boats.

549. It has been stated in evidence that the expense of constructing a steam-boat carrying passengers between Edinburgh and London amounts to 30,000*l.*; is not the original expense of setting going a stage-coach to run to the same cities very heavy, besides the expense of purchasing horses?—Stage-coaches calculated to carry the same number of passengers would, I have no doubt, cost very much more than the price of a steam-boat; a four-horse coach, to carry four in and eleven out, and to perform a journey backwards and forwards daily, could not be provided under a sum less than 10,000*l.*

550. Are you aware that the London and Greenwich Railway Company have been permitted by the Treasury to compound for their duties?—The London and Greenwich Railway Company have been permitted to compound for the sum of 400*l.* per annum for one year.

REPORT

FROM THE

SELECT COMMITTEE

ON

INTERNAL COMMUNICATION TAXATION;

WITH THE

MINUTES OF EVIDENCE.

Ordered, by The House of Commons, *to be Printed,*
30 *June* 1837.

[*Price 6d.*]

456.

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REPORT

FROM

SELECT COMMITTEE

ON THE

HIGHWAY RATES BILL;

WITH THE

MINUTES OF EVIDENCE.

Ordered, by The House of Commons, *to be Printed,*
30 *June* 1837.

457.

Mercurii, 7° die Junii, 1837.

Ordered, THAT the "Bill to authorize the Application of Highway Rates to Turnpike Roads in certain Cases," be referred to a Select Committee:—And that the Committee do consist of—

Mr. Estcourt.
Mr. Cartwright.
Mr. Handley.
Sir Robert Price.
Mr. Bramston.
Mr. Robert Clive.
Mr. Jasper Parrott.
Mr. Pease.
Sir Charles Burrell.
Mr. Mostyn.
Sir Charles Broke Vere.
Mr. Lawson.
Mr. Hector.
Mr. Halford.
Mr. Shaw Lefevre.

Ordered, THAT Five be the Quorum of the Committee.

Lunæ, 12° die Junii, 1837.

Ordered, THAT all Petitions against and in favour of the Bill, and relative to the Highway Act [presented this Session] be referred to the Select Committee on the Bill.

Sabbati, 24° die Junii, 1837.

Ordered, THAT the Committee have power to send for Persons, Papers and Records.

Lunæ, 12° die Junii.

PRESENT:

MR. SHAW LEFEVRE in the Chair.

Sir C. Burrell.
Mr. Bramston.
Mr. Cartwright.
Mr. Robert Clive.
Mr. Estcourt.
Mr. Hector.
Mr. Halford.
Mr. Handley.
Mr. Mostyn.
Mr. Parrott.
Mr. Pease.

Veneris, 30° die Junii.

MR. SHAW LEFEVRE in the Chair.

Mr. Robert Clive.
Mr. Estcourt.
Mr. Hector.
Mr. Pease.
Sir Charles Broke Vere.

WITNESSES.

The Right Hon. *Thomas Frankland Lewis* - - - - - p. 1
Henry Handley, Esq. - - - - - - - - - p. 4
Sir *James M'Adam* - - - - - - - - - p. 5

REPORT.

THE SELECT COMMITTEE to whom the HIGHWAY RATES BILL was referred, and who were empowered to report their Opinion, together with the MINUTES of EVIDENCE taken before them to The HOUSE, and to whom several PETITIONS in favour of and against the said Bill were referred;——HAVE considered the Matters to them referred, and have agreed to the following REPORT:—

THE Bill which has been submitted to the consideration of Your Committee has for its sole object the providing a fund for the support of Turnpike Roads, on which the Tolls taken are insufficient to keep them in repair. Petitions, however, from various parts of the country, having been presented against this Bill, which have been referred to the Committee, they considered it to be their first duty to ascertain the extent of the evil for which it had been considered expedient to legislate; and for that purpose they have availed themselves of the extensive acquaintance of Sir James M'Adam with very many Trusts throughout the country, as well as of the experience and information acquired by Mr. Frankland Lewis, when preparing the existing Turnpike Act. These Gentlemen appeared before the Committee, and they had proceeded only to the close of their examination, when it became manifest that the state of public business precluded all expectation of a remedial law being passed during the present Session; and they have now only to suggest, that the Bill which has been referred to them should be withdrawn.

It appears, however, from the Evidence above alluded to, that in consequence of the abolition of Statute Labour, and Composition in lieu thereof, by the 5th & 6th Will. IV. c. 50, the Roads in many poor Trusts cannot be kept in a fit state of repair with the Tolls collected thereon, unless the payment of the interest to the Creditors of

such Trusts be suspended; and there seems to be a great probability of their becoming in the ensuing winter so dilapidated as to require the expenditure of a very large capital in their restoration, as well as to impose upon the inhabitants of those parishes in which such Roads are situate the heavy costs incidental to an indictment. Your Committee are therefore strongly impressed with the necessity of making some legislative provision for averting this evil; and they earnestly recommend that, at the very commencement of the next Session of Parliament, effectual measures should be provided for that purpose, unless, indeed, it shall be the pleasure of Parliament to revise the Laws, and re-construct the whole system under which Turnpike Roads are at present managed. Your Committee cannot, however, but express the hope they entertain, that the owners and occupiers of property in different parts of the Kingdom where difficulties have arisen, aware of their ultimate responsibility, will, under the 29th clause of the 5th & 6th of Will. IV. c. 50, which enables them, with the consent of four-fifths of the Highway Rate-payers of a parish, to levy a rate to any amount they may think proper, by timely arrangements in their respective parishes and townships, avert those greatly augmented expenses which must inevitably attend any procrastination in making all needful repairs.

June 1837.

MINUTES OF EVIDENCE.

Jovis, 22° die Junii, 1837.

MEMBERS PRESENT.

Mr. Robert Clive.	Mr. Estcourt.
Sir Robert Price.	Mr. Bramston.
Mr. Halford.	Sir Charles Broke Vere.
Mr. Handley.	

MR. SHAW LEFEVRE IN THE CHAIR.

The Right hon. *Thomas Frankland Lewis*, called in; and Examined.

Right hon. *T. F. Lewis.*

22 June 1837

1. *Chairman.*] WHAT has been the operation of the Highway Act upon the turnpike roads in the county of Radnor?—As far as I know and believe, no money has been raised in the county of Radnor under the Highway Act. The reason I conceive to be this, all the important lines of road are included in the Turnpike Act; there are no by-roads sufficiently important to make the people think it worth while to raise money for the purpose of repairing them, and we are prevented by a clause in the Highway Act from laying out the parish money on the turnpike-roads, which are the only roads of any great or essential use to us.

2. Would it be possible, by raising the tolls, to provide money sufficient to repair the turnpike-roads, so as to prevent the necessity of calling upon the parishes for any additional assistance?—The tolls are already extremely high; we pay 6*d.* on every horse drawing, and 1½*d.* on every horse ridden; it should be remembered that many of our horses are very small, and draw but little weight. In the rugged roads of our mountainous districts, broad wheels cannot well be used, and in these districts narrow-wheeled waggons are in general use; the produce of the county of Radnor is chiefly carried into Herefordshire for sale. My residence is 24 miles from Hereford; a waggon, with five horses, would pay 12*s.* 6*d.* toll for travelling that distance; if I sent a waggon with five horses to the westward, it would pass through the county of Radnor to the confines of Montgomeryshire; the toll would be 10*s.*; the distance would be about 30 miles; my persuasion, therefore, is, that the tolls are already such in amount, that it would be of serious injury to the commerce of the county to increase them. I would beg leave also to add, that by increasing the toll you do not make it certain that the amount levied on the public will ever be applied to the improvement of the road; our tolls are let by public auction, and the competition amongst the toll-takers is so imperfect, that I entertain no doubt that a considerable portion of the money taken by them is never paid in the shape of rent, but remains in the pockets of the renters of the gates; this opinion is so prevalent in the district, that any increase of tolls is extremely unsatisfactory to the farmers, who are the principal contributors at the gates; large sums of money have of late years been borrowed by the trustees of the Radnorshire trust, for the purpose of laying out lines of road in such a manner as to reduce the hills, to go round the foot rather than over the top; the trustees have been encouraged to do this by representations on the part of the land-owners, that if they would incur this expense the parishes would afterwards find the means of keeping the surface of the road in repair. We are so deeply sensible of the advantage of these improvements, and so apprehensive of the injury we shall sustain if we are deprived of the means of maintaining our roads, that we would most willingly keep faith with the turnpike trust, if we were not prevented from doing so by a clause in the Highway Act, which prevents the money

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raised by the highway rate from being laid out on the turnpike-road. I do not believe that the revenue of the trust, after the payment of the debt, could afford so small a sum as 20*s.* a mile for all the length of road named in the Radnorshire Turnpike Trust Act; my confident persuasion is, and I believe I speak the opinion of every gentleman in the county, that if we cannot be enabled to lay out a portion of the highway rate in the turnpike-road the latter will get entirely out of repair; there being no money to lay out on them, they must be abandoned.

3. Are the tolls levied under your Local Act to be applied, in the first instance, to the repair of the turnpike-roads, or to the payment of the interest of the debt?—I do not believe that in our Local Act there is any specific provision to that effect; in that respect it is like almost all other Local Acts. Perhaps I may be permitted to explain, that we have borrowed a large sum of money of the Exchequer Bill Loan Commissioners; they, by their Act of Parliament, have a priority to all other claims whatsoever; they stand before all other creditors, and have the first demand and right upon the funds arising from the trust; the other ordinary creditors have all lent their money under a confident belief that they shall be paid their interest before any money whatsoever is applied to any other purpose; individuals have lent as much as from 2,000*l.* to 3,000*l.*; one individual I know lent 2,700*l.* at the early formation of the trust, in the confidence and belief that he had a prior claim upon the monies arising from the trust. This is not only the condition upon which the trustees who have undertaken to borrow and other parties have been induced to lend, but the persons who have lent the money have the power of enforcing it; any individual who chooses to demand payment of the money he has lent to the trust may, by a process of law, take possession of the gates and of the tolls; I know that this once happened in the early history of the Radnorshire trust; a creditor took possession of the gates, in order to insure his own interest; there is some inconvenience to a person who does this, as he must pay the interest rateably to all the creditors alike, and not pay himself by a preference; still he has the power of doing so; and, in this way, it appears to me that the law has recognized and given to the creditors a claim prior to all other payments. It is extremely important that this principle should be borne in mind, because it distinguishes the creditors who have advanced money by way of mortgage on the turnpike trusts from shareholders on railways, with whom, of late years, there has been a tendency to confuse them. Shareholders are bound, in the first instance, to maintain the works which Parliament has authorized them to construct; they run chances for any profit they can obtain after the cost of maintenance is provided for; they may be in a position to lose all the money that they have advanced, and will do so, if there is no profit; but the undertaking of the trustees of a turnpike-road is altogether of a different character; the trustees are not shareholders, and are not speculators; they are authorized by Parliament to levy tolls for a public improvement, and to borrow money upon these tolls just as a gentleman may borrow money upon the security of his estate: in the one case, the interest must be paid before any money can be laid out upon the road; and in the other, the interest must be paid before any surplus can remain to the owner. But it should be remembered, also, that in all Turnpike Acts the road was declared to be a highway, and a customary clause in every Turnpike Act always declared that all laws applicable to highways should be applicable also to turnpike-roads; all the money which was lent upon turnpike-roads previous to the last Highway Act was lent upon the express security of these clauses, and under a conviction that the road would be kept open and passable by the parishes, if the trust ceased to have funds to enable them to do so. This forms the most essential part of the security of the lender, and is a portion of the security which they have been now accidentally, and (speaking as a creditor of the turnpike trust, and with all respect to the provisions of an Act of Parliament) I should say most unjustly deprived of. There is no road in the Radnorshire trust which was not a public highway for centuries before the trust was created; we are nevertheless deprived of all right to take care of these roads, they bring transferred to the trustees, who cannot by any possibility be made responsible for the repair of them.

4. Have you turned your attention to the consolidation of trusts?—At the time my attention was directed to the subject of the turnpike laws, which was when Mr. Davies Gilbert's Committee sat, and when the Turnpike Act passed which I carried through Parliament, the question of consolidation had been suggested

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gested as a general question. I am a trustee of the Metropolis trusts, and the advantage derived from that consolidation exceeds the most sanguine hopes of the projectors of that measure. I believe there never was in any country a mass of legislation so important as that connected with turnpike trusts, which has been so carelessly and so imperfectly arranged, or in which powers for levying money upon the public have been so extensively entrusted to individuals over whom Parliament can exercise no efficient control, and with respect to the funds of which there exists at this moment scarcely the means of ascertaining a correct account. I entertain no doubt whatever, that by a re-arrangement of trusts, with reference to lines of road, they might be improved to a degree almost inconceivable; but I do not think that object can ever be effected by a voluntary arrangement with the trusts; local interests and prejudices prevail to such an extent, that it could hardly be done by consent. I think there can be no question of the improvement which might be made in the system; I think the money collected by the tolls might be made to go much further, that improved science might be applied to the management of the roads, that a more vigilant scrutiny and superintendence of the accounts might be secured; and altogether I consider it to be an object greatly to be desired.

5. Mr. *Robert Clive.*] Is it not your opinion, then, that the receipts are not properly acknowledged, and that the public does not derive the benefit which it is entitled, to?—I have said in the previous part of my examination, that I believe a much larger sum of money is levied by tolls than ever finds its way into the pockets of the trustees, or is ever made applicable to the purpose of keeping the roads in repair, and I know no mode by which that can be checked or controlled.

6. Sir *Robert Price.*] Is there not this difficulty in the way of consolidation, that the different trusts upon the same line of road may be very differently situated, one being much more in debt than the other, and so on?—It was apprehended, when the attempt was made to consolidate the trusts round London, that that would be a fatal objection, but it proved not to be so; an arrangement was made with the creditors, which has proved to be abundantly satisfactory to them; the interest of the debt has been regularly paid, and no one has complained of the proportion of the burthen being increased upon any particular district; but it should be observed that the Metropolis district is a very rich one, and the funds are amply sufficient both to pay the interest and to keep the roads in repair, and that the difficulty which is apprehended would press very severely in districts less favourably circumstanced; a poor trust, which is unable to pay the interest of its debt, would find no neighbouring trust in more favourable circumstances which would willingly take the burthen of its neighbour's poverty upon its back; and it is clear that this difficulty could not be overcome without the state interfering in some such way as to provide a remedy for it. I myself think the object is of sufficient importance to make it worth the while of the Legislature to provide the means of getting rid of the debts of these trusts, in order to accomplish the object of consolidation. The advantage to be derived to the community from good roads is so very great, that it would be quite worth while to incur a certain degree of cost in order to remove that obstacle. The great evil of our road system is, that the trusts are divided over the country in small patches; if roads are to be rendered perfect, they should be consolidated with reference to long lines of communication, in the same way that the road from London to Holyhead has been; one line of communication should be placed under one superintendence, and be supported upon one trust. It appears to me that it would be quite just that the cost of maintaining lines of roads should be equalized along the whole line; that is the sound principle, as applicable to the maintenance of roads in a community like this.

7. What arrangement would you make with regard to collateral branches of roads?—I think they should be dealt with according to their importance; if very important, I would comprehend them within the district system, which is suggested to me in the question; I would consolidate them with the main road; I do not think there would be any impropriety in consolidating with the main line of road any important branch which diverged from it. On the other hand, if the roads had a local application, for the convenience only of occupiers of particular estates, and as forming a connexion between particular villages, I would leave them to the provisions of the Highway Act. With reference to the parish roads, I would much prefer their being placed upon some more extended arrangement than the parish arrangement; I think a larger district than the

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the parish district would be advantageous, even with reference to the parish roads; and instead of placing those local roads (as I should call them) merely under the jurisdiction of the parish, I should recommend a consolidation, even with reference to those which I may call local or district roads.

8. What would be the effect of postponing this Act to another Session?—We have already been two years in Radnorshire without the means of applying any money to the roads, which, as I have already described, are the most important roads in the county; they are already very much gone out of repair, and I apprehend, if we are left for a third year in the position in which we have been placed for the two last years, that the mail-coach which has been established between London and Aberystwith, in Cardiganshire, and for the establishment of which a private subscription exceeding 600*l.* has been already subscribed and expended, must cease to go; I verily believe that the road could not be kept another year in such a condition as to enable this coach to pass during the winter; and that, I am informed, would be deemed a most serious injury to Cardiganshire, Radnorshire and Herefordshire.

9. Mr. *Bramston.*] The road having been in this bad state of repair for two years, has any indictment been preferred against any parish for the road being in that state?—Indictments have been talked about as a mode which might be resorted to, if Parliament did not vouchsafe to listen to the petitions we have presented in the two last Sessions, and to afford us the only real remedy. All relief to be obtained by indictment is so ineffectual, and, if I may say so, so oppressive, and we have spent so much in indictments for roads in that country lately, that we abhor the very thought of indictments.

10. You say Parliament has been applied to by you to afford the only real remedy; what is that?—All we ask is, that we may be permitted to apply the portion of the money raised from the highway rate to the roads which are turnpike-roads as well as those which are parish roads, and to leave it as heretofore to the magistrates to decide what portion that shall be.

Henry Handley, Esq. (a Member of the Committee); Examined by the *Chairman.*

H. Handley, Esq. M.P.

11. CAN you give any information to the Committee with reference to the state of the roads in Lincolnshire?—The trust with which I am immediately connected, being the Lincoln and London road, was in such a state after the heavy rains six weeks ago, that the innkeepers who horsed the mail talked of applying to the Post Office for a further allowance. In consequence of their complaints, a surveyor was sent for, and the trustees met, and they received from the creditors of the trust a notice that no money should be applied to the roads till the interest on the debt was paid; the consequence was, that some parties present were obliged to authorize, on their own responsibility, the expenditure of 10*l.*, which was absolutely necessary to scrape the road in one particular district. However, it became so serious a matter, and the trustees fearing they might not get Parliamentary relief during the present Session, were compelled, from utter inability, having no surplus money to raise the materials, to give notice to the respective parishes through which the turnpike-road passed, that they should take upon themselves the care and repair of the roads; those notices have been already delivered, and in consequence of the decisions that have taken place, showing that by the common law parishes are chargeable with the support of the turnpike-roads on which they abut, they have at their own cost and expense prepared materials to repair the road, as the only means by which they can avoid an indictment; and in all cases where I have had the opportunity of communicating with the parishioners of those parishes, they have expressed their regret that the old charge has been removed, as they consider it would be for their interest that the roads should still remain under the surveyors, who were receiving a salary for their superintendence.

Lunæ, 26° die Junii, 1837.

MEMBERS PRESENT.

Mr. Robert Clive.
Mr. Bramston.
Mr. Estcourt.
Mr. Lawson.
Sir Charles Broke Vere.

MR. SHAW LEFEVRE IN THE CHAIR.

Sir *James M'Adam*, called in; and Examined.

Sir *J. M'Adam.*

26 June 1837.

12. *Chairman.*] I BELIEVE, for several years past, you have had the general annual statements on the turnpike trusts forwarded to you?—I have received them regularly from the Home Office, as they are transmitted to the Secretary of State.

13. Have you prepared a general abstract for Parliament of these returns that have been so sent in?—I have done so for some years past, by the order of the Secretary of State for the Home Department.

14. Have any particular circumstances affecting turnpike-roads occurred to you in consequence of your necessary connexion with them?—Forming those abstracts necessarily led to a very extensive communication with the several clerks and trustees of the turnpike-roads throughout the kingdom. In consequence of the statute labour having ceased to be applicable to the repair of turnpike-roads, a great many communications have been made to the Secretary of State, as well as to myself, upon that subject; and I have received permission from the Secretary of State to lay those communications before this Committee.

15. Will you state to the Committee what those communications have been?—They are from trustees of roads, clerks and surveyors, complaining of the loss of the aid of statute labour, and stating the absolute necessity of some enactment being made to give them a portion of the rates raised under the new Highway Act in lieu of statute labour. I beg to hand in to the Committee a communication from Thomas Bowes, Esq., clerk to the trustees of the Darlington roads, dated 2d March 1837, addressed to the Honourable Fox Maule, M. P.:—

"I have the honour to transmit herewith statements of the debts, revenue and expenditure of the under-mentioned roads; namely, Boroughbridge and Durham, Stockton and Barnardcastle, and Darlington and Cockerton Bridge; comprising the Darlington and West Auckland District, and the Cockerton Bridge and Staindrop District, for the year 1836.

"In reference to my letter of the 10th ultimo, I beg further to represent to you the necessity of some provision being made to remove or explain the doubts entertained relative to the future performance of statute duty on turnpike-roads, or some equivalent for the same; and for that purpose, to empower the trustees of turnpike-roads to require the surveyors of highways of parishes, townships or places through which turnpike-roads pass, to raise money by a rate on the inhabitants, to be paid over to the surveyors of the turnpike-roads in lieu of statute duty or compositions; or of a power being given to the trustees to enforce the payment from the surveyors of highways of a just and equitable portion of the highway rates raised by them for the repairs of the highways in the parish, township or place, to be applied by the trustees in repairs of turnpike-roads in the respective parishes, townships or places in which the rates may have been raised; or in cases where no highway rates are levied, that a power be given to trustees to require a rate to be made and collected by the surveyors of highways of the parish, township or place, and paid over by them to the surveyor to the trustees, to be applied towards the repairs of the turnpike-road.

"I also take the liberty to represent, that the mortgages granted of the tolls of turnpike-roads as securities to persons who have advanced money, and placed their reliance on the provisions of Acts of Parliament for the repayment, such mortgage securities, in numerous instances, are likely to be most seriously deteriorated in value, and in others rendered unavail-

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able to the holders, unless some such provisions as above-mentioned are made as a compensation or equivalent for the statute duty and compositions for highways, which appear to have been repealed by the General Highway Act of the 5th and 6th Will. IV. cap. 50."

Another from Messrs Hartley and Dudgeon, clerks to the Keighley and Kendal road, dated Settle, 16th April 1836, addressed to myself:—

"We beg to call your attention to the new Highway Act, and to ask if it was the intention, by the repeal of the old Acts as to the statute duty, that the trustees of turnpike-roads should be deprived of their proportion; if so, we certainly think the creditors should have had some means of knowing, as on our road it will make a difference of 400 *l.* per annum, and this has been given to the occupiers without any compensation.

"All the Acts as to statute duty are repealed; be so good as to say if this was intended; we think not, though such is certainly the result.

"*P. S.*—Your reply by return is requested, as the payment of statute duty is resisted on this ground on our road; the payment of statute duty by the Turnpike Act is based on the Acts repealed."

Also, Messrs. Iliffe & Garrard, clerks to the trustees of the Bromham roads, in a letter addressed to the Honourable Fox Maule, M. P., dated Olney, Bucks, March 3d, 1836, state that—

"The composition on this road has formed a principal source of income, and has enabled the treasurer to pay regularly the interest to the mortgagees out of the proceeds of the tolls; the latter alone will barely be sufficient for the maintenance of the roads, to the exclusion of the mortgagees.

"Under these circumstances the trustees ask how the funds of the road and the interest of the mortgagees are to be supported.

"The annual meeting of the trustees of this road will take place on the 24th instant, by which period we shall be happy to receive any information and assistance with which you may favour us.

"We beg to apologize for the trouble we are giving."

Also, a letter from H. & J. Worthington, clerks to the trustees of Altrincham, addressed to myself, and dated 21 November 1836:—

"Sir,—We are concerned for some turnpike trusts, the funds of which are quite inadequate to the necessary repair of the roads, which has therefore been effected either wholly or in part by the statute work and composition money from the townships, which we understand are now abolished; we presume that the Bill that was brought in by Mr. Lefevre and Mr. Lynch, in July last, 'to authorize the application of highway rates to turnpike-roads in certain cases,' was dropped, as we do not find it in the list of Acts passed in the last Session; the trustees of the roads above referred to are anxious to know what course they can adopt for the repair of the roads under their care, and we shall be exceedingly obliged to you for some information on this point for their guidance, the state of the roads requiring immediate attention."

Also, a communication from R. Wilbraham Ferrel, Esq., addressed to the Honourable Fox Maule, M.P., and dated Moreton-in-the-Marsh, 5th December 1836:—

"Sir,—As you have kindly tolerated two letters from me on the subject of turnpike-roads, I am encouraged thereby to a further intrusion.

"The unpleasant state that the commissioners of the several trusts are reduced to requires speedy relief. We do not know here in what way to proceed. The winter has commenced most unfavourably for roads: the farmers refuse to do statute duty without pay, and but few trusts are sufficiently rich to be able to defray that unexpected demand on their finances. We are reduced, therefore, to promise them recompense; but without the friendly aid of Government, I do not see how we can perform our promises. Most trusts are obliged to collect the extent of their tolls, and cannot raise them. It is clearly not advisable that they should increase their debt. But how can they avoid it? Deprived of a third part of their means, it is impossible for them to continue to keep up the roads without immediate relief from Parliament.

"I take

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"I take the liberty of laying before you the great distress the commissioners are reduced to by the withdrawing statute labour, and no rate being substituted in its stead, that I may entreat your kind attention to the subject. You propose to introduce the admirable plan of consolidating trusts, I apprehend, at an early period of the ensuing Session; but as that measure is, however unjustly, vigorously opposed, it may be many months before the Act may receive the Royal Assent. May I, therefore, without appearing too bold, venture to suggest the introduction of a short connective Bill, to enable the commissioners of all turnpike-roads (until the new Turnpike Act is in operation) to collect of each parish so much (say 7*s.* or 8*s.*) for every day's statute duty that, under the old Acts, they are liable to. Thus a parish formerly bound to do 50 days' duty on any turnpike-road would, at 7*s.* per day, pay 17*l.* 10*s.* The surveyor then could employ the farmers, pay them per yard carriage, and balance every Lady-day.

"Some measure, early announced, of this kind would allay the dissatisfaction that exists on the subject throughout the country, and prevent the Legislature being inundated with petitions from the annual meetings of the several turnpike-roads now about to be held."

Also, a communication from Mr. Gell, clerk to the trustees of the Lewes turnpikes, addressed to myself, and dated Lewes, 23d January 1837:—

"Sir,—The trustees of some of the roads in the Lewes district are under considerable apprehensions in consequence of the composition from parishes in lieu of statute duty having been done away by the late general Highway Act. Within the last 15 years, every parish in this district was burthened with the payment of a considerable sum to the different trusts, in lieu of statute duty; but through the exertions of the trustees, and, in a great measure, owing to the adoption of the system of the late John Loudon M'Adam, Esq., four out of six of these roads have been relieved from the incumbrance.

"The two remaining roads, viz. the Hodges and Tunbridge Wells roads, are in a gradually improving condition, but are, at present, so heavily loaded with debt, and otherwise so peculiarly circumstanced, as to render it impracticable for them to be kept up without statute duty. It is therefore to be feared that, unless some substitute for that source of revenue should be provided, the security of the creditors will be considerably weakened, and the roads themselves fall back into an almost impassable state.

"I am therefore instructed by the trustees to request the favour of your advice and opinion, and particularly that you will be kind enough to inform them whether there is any probability that Government will interfere, by any general measure adopted to meet these and similar cases, or whether it will be desirable for the trustees and creditors to present petitions to Parliament on the subject."

Also, one from Walter Swayne, Esq., clerk to the trustees of the Pucklechurch turnpike trust, addressed to myself, and dated February 1st, 1837:—

"Sir,—I have been desired by the trustees of the above trust, who were present at the general annual meeting of the trustees on the 31st ult. to represent to His Majesty's Government, that it will be impracticable for the trustees to maintain the roads under their care in any tolerable state of repair without considerable contributions from the parishes in which the roads lie. It appears, that after paying the interest of the debt, and the salaries of officers, the trustees will not have more than 150*l.* a year, without further resources than those at present available, to maintain upwards of ten miles of road on a wet, heavy soil, the traffic on which principally consists of carriages laden with coal. It should seem that the power given by the General Turnpike Acts to magistrates to apportion parochial statute duty and composition money between turnpike roads and the parishes in which they lie is rendered nugatory by the abolition of statute duty altogether, and no provision is made for turnpike-roads in substitution for statute duty by the new Highway Act; and although the parishes may be still liable to process by indictment for non-repair of the turnpike-roads, it is too much to expect that they will voluntarily contribute towards the

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expenses of those roads, supposing that they would be justified in doing so, which perhaps is questionable. Wherefore it seems to be indispensably necessary that some legislative provision should be made in aid of the funds of the turnpike trust in question, and others similarly circumstanced."

Robert Morrell, Esq., in a communication, dated 2d March 1836, states that—

"He is afraid, in consequence of the statute labour being entirely lost to the turnpike-roads, that it will be attended with a most serious injury to many turnpike-roads in that part of the country, the tolls of which, even with the assistance of the statute duty, were barely sufficient to keep them in repair."

Also, a communication from William Sparks, Esq., clerk to the trustees of Crewkerne, Somerset, addressed to the Honourable Fox Maule, M. P., and dated 2d April 1836:—

"Sir,—As a general impression exists, that any parishes through which a turnpike-road passes is now exempt from contributing in any manner to the repair of such turnpike-road, the rate directed by the Highway Act of last Session to be levied in lieu of statute labour being considered only applicable to the maintenance of the parish roads which are not turnpike, I should feel obliged by your informing me, as soon as you can conveniently do so, whether this view of the case be correct, and if so, by what means turnpike-roads are to be kept in repair, where the tolls alone are insufficient for that purpose.

"In this neighbourhood there are some turnpike trusts the tolls of which are barely sufficient for payment of the interest of the money due on security of the trust."

Also, a communication from William Birkbeck, Esq., chairman to the Keighley and Kendal road trustees, addressed to the Honourable Fox Maule, M. P., and dated Settle, 26 April 1836:—

"Sir,—In consequence of a letter from James M'Adam, Esq., addressed to Messrs. Hartley and Dudgeon, of this place, the clerks of the Keighley and Kendal road, informing them 'that no statute duty, or compensation in lieu of it, can now be obtained by the trustees of turnpike-roads, but that a clause has been introduced into the Bill for the consolidation of turnpike-trusts, granting to turnpike-roads requiring it, a portion of the new highway rate, such portion to be determined by the magistrates, after an examination of the accounts of the trusts, the sanction of the Board in London being first obtained;'—and of another letter from the same gentleman, stating that 'any suggestions on the subject, addressed to you, would meet with every attention'—a meeting of the trustees of the said road was called, for the purpose of taking the matter into consideration, and I, as chairman, was requested to convey to you the sense of such meeting as to the measures now in contemplation.

"The different townships through which the road in question passes have, for many years past, contributed a certain quota or proportion of their highway rates to the turnpike road, as a composition, in lieu of statute duty, amounting altogether to the sum of 391 *l.* 9 *s.* 3½ *d.*; and that this has been considered a fair proportion, appears from its having excited no discontent, and there having been no opposition to its payment. And it appeared to the meeting, that there would be no injustice done to the owners and occupiers of lands in townships through which the road passes, if the same sums were still to be paid out of the new highway rate, inasmuch as they have received more than an equivalent in the improved value of their estates, and the greater facility of carriage; a horse being able on our road to draw one-third heavier load, owing to recent diversions; and the traffic and travelling being increased in proportion. And the meeting was further of opinion, that where the funds of the road require a contribution from the highway rate, as ours most certainly does, it would be better *that the same sums which have been contributed, should continue to be paid out of the highway rates, until the Board of Commissioners in London should dispense with it*; as, where it once ceases to to be paid, it will give rise to much clamour and discontent *again to impose it.* Besides, the machinery

machinery by which it is to be recovered, as proposed, seems very objectionable, as it will expose the whole of the accounts and proceedings to parties who will doubtless take advantage of any little informalities, and will give rise to much contention and litigation as to the quota to be paid; the sums lately paid have been settled by the magistrates, and having been acquiesced in for many years, they cannot be considered as disproportionate.

"The meeting therefore suggest—

"That it should be enacted by the new Bill, that where any sum or sums of money have been contributed or paid as a composition in lieu of statute duty towards the repair of any turnpike-road out of the highway rates of any township through which such turnpike-road passes, the same sum or sums annually shall be paid out of the new highway rate, towards the repair of such turnpike-road, as was or were paid the year preceding the new Highway Act coming into operation, until dispensed with by the Board in London, with power for the Board, in case of their ordering such payments to be discontinued, to order the same again to be paid.

"The meeting felt quite sure that Government would not have sanctioned such a measure, had they been aware of the very large amount of the composition in lieu of statute duty; and that many of the roads in the North of England are repaired wholly by it, the creditors being in possession of the tolls, and that much of the money advanced has been so advanced on the strength of the yearly statements in which this composition forms a considerable item. Since the last Act for the Keighley and Kendal road was passed, in 1823, about 12 miles of diversions and various other improvements have been made, in a line of road only 37 miles long, avoiding some of the worst road in the north of England, at an expense of about 25,000*l.*, the debt now being nearly 35,000*l.*, and the estimated expense for the current year is 3,049*l.*, and the income, without the composition, is 2,800*l.* only (owing to an unexpected reduction in the rents or letting of the tolls), so that the income will fall short of the expenditure *by nearly the amount of this composition.*

"You have now, I believe, all the circumstances of the case before you; but I must again impress upon you the necessity of the Board in London having the control over the quota to be paid, without the interference of the magistrates."

16. How many miles of turnpike-roads are there in the kingdom?—About 20,000 miles of turnpike-roads.

17. Do you remember the value of the statute labour, and composition in lieu of it, to the roads generally?—It may be estimated altogether, in labour done and composition paid, and roads repaired by the parishes without the sum appearing at all, at 200,000*l.*

18. I believe a great number of the turnpike-roads were in sufficiently good circumstances not to require assistance from the parishes?—A considerable proportion of the roads of the kingdom were in such circumstances.

19. And are so still?—And are so still.

20. Then the Committee may presume that the 200,000*l.*, which you state to be the value of the statute labour and composition, was not drawn from the whole 20,000 miles of road, but from a limited portion, comprising the trusts which are in a state of insolvency?—That is the case; and therefore the withdrawing that sum from the turnpike-roads falls most heavily upon those trusts who can the least dispense with the aid.

21. Do you know of any instance where a turnpike trust has been given up in consequence of the want of parochial assistance?—There are many instances of roads being thrown upon the parishes, and there will be many more in the course of the ensuing winter. The Luton roads have been thrown upon the parish; the Arrington road from Royston towards Huntingdon will necessarily be so; and there are a great number of roads in the north of England which have always been repaired by the parish, in consideration of the statute duty, which otherwise would have been applicable to the trustees; those roads now must go to ruin, because statute labour cannot legally be applied to the turnpike-road, and they must become in an indictable state before the parish can legally apply any portion of the new rate to the repair.

 22. When

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22. When you say statute labour cannot legally be applied to these roads, you mean to say that no portion of the highway rate can be applied to a turnpike-road?— Yes.

23. Do you know of any indictments having been preferred against parishes for the non-repair of turnpike-roads?—I do not know of any having been preferred, but a great many indictments have been threatened: the expense of an indictment is so great and is so objectionable, that it is the last resource that is had recourse to.

24. When the road becomes in such a state as to make it necessary to indict the parish for the non-repair of it, I presume the expenditure necessary to put it in good repair must be very great?—Very much more considerable than the ratio of any expense of keeping it in repair.

25. Then, a very small contribution on the part of the parish towards keeping the road in repair would avert a greater evil to which the parish would be liable in case it ever became necessary to indict it for the non-repair of the road?—Certainly; a very great saving would necessarily take place to the parish, and I am quite sure it is the interest of the parishes that turnpike-roads passing through them under those circumstances should contribute some portion of their rates annually, rather than allow the roads to get into such a state as to be indictable, and require a large sum to put them again in any decent state of repair.

26. You have read the Highway Rate Bill, I presume?—I have.

27. Are you aware that it gives the power to magistrates to say what portion of the highway rate shall be appropriated to turnpike-roads?—It is part of the Bill.

28. Are you aware that great jealousy prevails against the magistrates having that power?—I was not aware of the circumstance, nor do I think it ought to exist; for, in truth, magistrates are extremely jealous of granting such aid; and we, the turnpike surveyors, have great difficulty in obtaining it; we are obliged to show a strong case of necessity, that our funds have been economically expended, and that the road absolutely requires such assistance before the magistrates will grant it to us.

29. It is stated, the magistrates are all of them *ex-officio* trustees of turnpikes, and frequently are creditors and bond-holders; do you not think that would give them a strong bias in favour of the turnpikes as against parishes?—I cannot think such a consideration would bias magistrates; they are in general large landed proprietors, and their tenants are the parties who are to contribute largely to the aid granted by them to the turnpike-roads; and therefore, in point of truth, if it is paid by their tenants, it is paid by themselves; I am sure their interest, as landed proprietors, far exceeds any accidental interest they might have as holders of turnpike bonds; but in general they are not the class of persons who hold turnpike bonds.

30. Supposing the prejudice against the interference of magistrates were insurmountable, would it answer the purpose, that, in case of a turnpike road being out of repair, notice should, in the first instance, be sent to the surveyor of the highways of the parish, who should be required to convene a meeting of the parish vestry, to lay before them this claim on the part of the turnpike-road, and if that claim were disputed, that the decision should rest with the jury at the sessions?—I am apprehensive that any complicated machinery, attended necessarily with considerable expense, would, in many instances, defeat the object in view. The sum required from the parish being, in many instances, so very small, the Committee will be aware that on a turnpike-road each parish would in that case have to be dealt with separately for its own small quota; and although the sum amongst all the parishes would be an object to the trustees, having to deal with each parish would almost swallow up the small quota in expense.

31. But if you adopt the provisions which are in the proposed Bill, it would be necessary to proceed before a magistrate in every individual instance?—It would; but the Bill renders that proceeding very simple, viz., amongst magistrates acquainted with the road, and able to judge very competently of the local circumstances of the road, being generally themselves trustees, and being well acquainted with its receipts and expenditure; whereas a jury at sessions would require to have evidence of the truth of the facts given to them, in a case of which they were totally ignorant, except upon the evidence adduced.

32. You

32. You are aware that, according to the provisions of the Bill, if the parties are dissatisfied with the adjudication of the magistrates, they have the power to appeal to the sessions, where a jury is to be impannelled to try the case?—I am perfectly satisfied with that part of the Bill. It would be a case of great grievance before a reference would be made to a jury, and I think it but just to a parish that they should have some ultimate and higher tribunal to go to, in case of any thing unjust being attempted.

33. Do you not think, if it were fairly laid before the vestry of the parish, that so and so was required to put that part of the road in repair, for the expense of which the parish was liable, and that if nothing were laid out upon the road the probability was that it would get into a bad state of repair, and that the parish would be liable to an indictment, the vestry then would be ready to vote a portion of the highway rate for the repair of the turnpike-road?—We must consider that in all the rural districts the parish vestries are composed of farmers, the parties therefore who would have immediately to contribute to that portion of the rate, and they are apt to consider that the turnpike-roads are a profuse, and sometimes a useless expenditure, and there is generally a feeling among that class of persons to oppose rather than grant aid to the turnpike trustees; they are not aware of the necessity, in many cases, of keeping up a turnpike-road in the high state of perfection which the Post Office and the public conveyances require, much less watering, lighting and so on; and they would completely deprive the road of all matters of luxury before they would be willing to grant any portion of the aid from the rate.

34. Do you think it would be possible, by raising the tolls upon turnpike-roads, to get a sufficient sum of money to prevent the necessity of relying upon the parishes for their assistance?—I think in many instances it would; I should think it but fair and reasonable that the maximum toll granted by all local Acts should first be levied before the trustees are entitled to call upon the parishes for aid from their rates. If that should be found not available, and it is proved to the satisfaction of the magistrates, they would then be enabled to grant such aid as they might think necessary; for of course it does not follow in all cases that raising the tolls would increase the revenue, but the contrary. Upon many roads we have found that diminishing the tolls, particularly on stage-coaches, increases our revenue; that is the case at Epsom and many other trusts which have parallel roads.

35. Have you ever turned your attention to any mode for improving the management of turnpike-roads so as to reduce the expenditure upon them?—I think that object would be best attained by the measure which was contemplated by a Bill brought in last Session; I mean the Turnpike Consolidation Bill; I conceive that, of all measures for the ultimate benefit of roads, and their better management, that consolidation is the best; it has been recommended by many Committees of the House of Commons, has been confirmed by a Committee of the House of Lords, of which the Duke of Richmond was chairman, that sat during a long Session, investigated the subject of the roads most patiently, and made a lengthened report, in which consolidation was recommended as the best, and indeed the only measure of ultimate relief for the turnpike-roads of the kingdom, by diminishing the great expenditure, the number of trusts, and introducing an uniform and economical system in their repair and management.

36. Do you mean consolidation of districts, or in a long line of road?—I mean consolidation in districts; I am fearful that consolidating lines of road would be found not so desirable, from the difficulty of obtaining the local superintendence of the trustees; you cannot expect that gentlemen will come further to attend a turnpike meeting than they can with convenience return in the afternoon; I take, as the average distance, from 15 to 20 miles; the consolidation therefore of lines would necessarily fall into the management of one or two persons, who would take the trouble to superintend the whole; a proof of that is to be found in the Holyhead Road Commission, in which the Parliamentary Commission extends from London to Shrewsbury (from Shrewsbury to Holyhead is a consolidation of trusts); but from London to Shrewsbury being a Parliamentary Commission, they regulate and superintend the line, and the local trustees have no connexion whatever in the direction of that Commission; on the contrary, they consider that Parliamentary Commission as very hostile to the trusts; I am sorry to say they generally so deal with them; the Parliamentary

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mentary Commissioners being enabled to raise money upon the tolls, which the local trustees are obliged to increase and pay over to the Parliamentary Commissioners; and some of the trusts upon that line of road are now most seriously affected by the Birmingham and London Railway, and an amount of debt has been incurred which the trustees will never be able to pay, and the double tolls are consequently excessively high; there was a memorial of the trustees of the St. Alban's road lately presented to the Treasury upon that subject.

37. Your consolidation of the Metropolis roads has been very successful, has it not?—The consolidation of the Metropolis roads has answered in every respect the wishes and hopes of the projectors of that measure.

38. Do you think that the same principle would be applicable to roads diverging from country towns, where there is not so much traffic as in the neighbourhood of the Metropolis?—It would apply in an equal degree upon all lines diverging from one centre; the operation of paying off the debt and arriving at one equal toll might be longer in being accomplished, but the result would, no doubt, in time, be the same.

39. Then you see no difficulty in uniting a poor trust with a rich trust in one consolidation, where a sufficient number of roads are found to radiate from one centre?—I would not propose to form a consolidation in any place where the consolidation itself would not offer such good security that the whole of the debt would be paid off by new bonds granted upon the consolidated trusts; in that case the creditors of a poor trust would have no right to complain, because they would be wholly paid.

40. Then you think by consolidation the revenues of the turnpike-roads might be so far improved, or rather the expenditure so far lessened, as in a great measure to render the assistance of parishes in the shape of a highway rate unnecessary?—That would be my ultimate object in recommending consolidations; the effect of those consolidations would be the saving of the expense of Acts, the salaries of officers, law charges, and a variety of matters which apply to all single trusts; and I think the difference of those expenses would far exceed the sum required by any poor trust in rates.

41. Mr. *Bramston.*] You said there were a great many indictments threatened; amongst others, I understood you to say upon the Luton roads, and the road from Royston to Huntingdon; I believe those roads are almost entirely neglected?—The Luton is now, I believe, thrown upon and repaired by the parish.

42. What is the state of the parish from Royston to Huntingdon?—That is a road of great difficulty, the line of thoroughfare turning off at Royston to Cambridge, and we have no materials upon the line but such as are brought a great distance; the consequence is, that with expensive materials and little thoroughfare, the loss of the statute labour aid is severely felt, and upon that road the Edinburgh mail passes; it is so poor a trust that it has a land tax levied, under its local Act, upon all the lands adjoining in aid of the toll—a solitary case in the kingdom.

43. That is totally independent of the statute duty?—Totally independent of the statute duty; the cost of gravel upon that road at Arrington is 10*s.* 6*d.* per ton.

44. Are the tolls upon that road put at a maximum?—At the maximum, which we have found by no means to add to our revenue; and the lessees of those tolls requested the trustees to make an order to discontinue the use of the weighing engine, although that power was in truth in their own hands; but by the order being made by the trustees, it assured the waggon masters in Huntingdon and Royston, where the great northern roads divide, that they would not be liable to be weighed upon that line of road, so that they have shut up the weighing engine in order to obtain more revenue.

45. Will the abandonment of that road inflict a great injury on a large tract of country?—Very great indeed, and be injurious to the roads between that and London as well as below, it forming the only line of communication between Royston and Huntingdon in that part of the country.

46. You state you have not known of any indictments having been preferred at present, but a great many have been threatened; at whose instance have these indictments been threatened?—The Post Office have complained, in a great many instances, but they are always most unwilling to indict; indeed it is difficult, if not impossible, to prevail upon them to do so. The trustees and the creditors of the roads will be absolutely compelled to indict, because if the tolls are paid away

away in interest of the bonded debt, there will be no other mode by which the creditors will secure to themselves a continuance of revenue but by compelling the parish to maintain the road. This evil has not yet absolutely come to a great head throughout the kingdom, but I fear, next winter, unless some measures are adopted, that many of the turnpike-roads will become in an impassable state, particularly in the North of England.

47. *Chairman.*] Then you consider it requires the interference of the Legislature at the earliest possible period at the opening of the next Session?—I do; I think some interference of Parliament is absolutely necessary.

48. Mr. *Lawson.*] You say particularly in the North of England; do you allude to Yorkshire?—To Cumberland, Lincolnshire, and particularly to Yorkshire.

49. What part of Yorkshire?—Leeds and several other parts.

50. That is the Doncaster and Selby road?—Yes.

51. I believe that road was made a few years ago by means of an Exchequer Bill loan?—Yes.

52. I understand you have not had any applications upon the great northern road?—I have had one from Durham and one from Darlington.

53. You stated that you estimated the value of the statute labour throughout the kingdom at 200,000 *l.*?—The aid granted to turnpike-roads under that head may be fairly estimated at 200,000 *l.* a year.

54. You are aware of the Committee of the House of Lords which sat in 1833?—I am.

55. It appears that then it was only stated at 100,000 *l.*, I believe?—The actual money paid in compositions was 59,515 *l.* exclusive of the whole service done in cartage by statute labour at that time; but at that moment there were no annual returns of roads maintained by parishes, and as no returns were made they never appeared, nor do they at this moment.

56. It appears they estimated the whole at 100,000 *l.*; you think that is too little?—Yes, because the actual returns made show that it was 128,000 *l.* at that time; the annual returns of the United Kingdom, which I hold in my hand, show that in 1835 the whole sum was 130,000 *l.*, and it is rather increased than diminished since.

57. Then, in some cases, you think raising the tolls must be sufficient?—I think it is most just, in some cases, that the maximum tolls should be levied.

58. But in others you think that it should not?—In some cases it would have an injurious effect.

59. Does it not appear to you that it would be fairer if the payments were to come out of the county rates, or be raised by some other mode which would fall equally upon all property, instead of the agricultural parishes only?—The reason why the burthen falls at present upon the parish is, that by the common law of the land, the repair of the turnpike-roads is thrown upon the parish in case of need.

60. But now, I take it, you are seeking for some relief by a fresh law, which is not given you by the present?—Yes.

61. By the law, as it stands at present, you cannot get that relief?—No.

62. Then, if we are to advise a new mode of relief, should we not advise one that is fair to all parties?—Certainly.

63. *Chairman.*] Do you think it would be useful that parishes should be allowed to make a voluntary rate, in certain cases where a turnpike-road is getting into a bad state of repair, and where, if something is not done to the road, it will be indicted?—I think it would tend very much to avert the evil which is approaching the roads, if parishes were allowed voluntarily, upon a case made out to their satisfaction, to contribute a portion of the highway rates to the repair of the turnpike-roads within their parish; and it might in the ensuing winter prevent many roads from getting into a bad state, and consequently prevent a great ulterior expense from falling upon the parish.

64. Mr. *Estcourt.*] What is there to prevent parishes now apportioning voluntarily a certain quantity of the rate in the repair of such a turnpike-road?—The roads raised under the new Highway Act are only applicable to the repair of parish-roads, and consequently could not even voluntarily be applied to the repair of a turnpike-road until that turnpike-road was by law thrown upon the parish, being in an indictable state.

Sir *J. M'Adam.*

26 June 1837.

65. But is not that rate raised compulsorily, and not voluntarily?—As far as the necessity of the repair of the parish-roads, it is.

66. If it should turn out that it became necessary to apply the whole of the compulsory rate to this voluntary disbursement, would you then compel the parties having so exhausted all their funds to raise a compulsory rate to replace those funds, or would you merely authorize them to raise a voluntary rate for that purpose?—I should think it would be but fair and just that the rate granted to the turnpike-road should be a voluntary rate.

67. Then I want to know what there is to prevent the parishes now raising a voluntary rate for the purpose of applying it in the voluntary manner which you have described?—I should add to my former answer, that I fear no such voluntary rate could ever be raised. I do not think that such a provision would ever be acted upon; it would be quite nugatory.

68. What do you mean by a voluntary rate?—I mean a voluntary apportionment to the turnpike-road of a part of the compulsory rate.

69. If there were to be this power given to apportion voluntarily a certain quantity of the rate that is now raised compulsorily, would that be any thing more than what has been proposed to be done by the Bill now before the House, viz., to empower parishes to appropriate a certain portion of their rates in the repair of the turnpike-roads?—The present Bill gives magistrates at petty sessions for the highways a power of determining and apportioning that portion of those rates; in the other case a majority in vestry would have the power of apportioning that quantum.

70. Mr. *Bramston.*] With regard to the consolidation of lines; you are, I believe, surveyor upon the Essex roads?—I am.

71. Have you observed the advantage of the consolidation of trusts upon a line of road since you have had the management of the Essex roads?—The whole of the Essex roads are under one Act, called the "Essex Turnpikes," extending from London to Harwich, Maldon, Sudbury, and in various other directions. The practice has been to manage them by different sets of commissioners, dividing themselves into divisions; and one of the great evils of that measure has been, that when one division of trustees have let their tolls, tickets from gates upon another division clear those tolls so let, and consequently, if a new gate is erected on a division not let, the tickets from that gate clear the gates upon a division that has been let; and I think, if the management of the Essex roads are made more in unity, it would be attended with all the benefits of a large consolidation.

72. Has an improvement already taken place in that respect since you have been surveyor?—I may venture to say it has. Being the surveyor of the whole, and the trustees doing me the honour of consulting me frequently upon the subject, I have been able to recommend a more uniform system of operation, which has been attended with very great benefit; so much so, that the increase of revenue upon the Chelmsford division alone at the last letting was 995*l.* per annum.

73. Is that trust in debt?—There is a small debt due now to the treasurer, owing to a very great improvement being perfected at Ballingdon-hill and Widford-hill, going into Chelmsford. With that exception, there is little or no bond debt upon the whole of the trust.

74. Is the toll upon that line of road at the maximum?—The toll is at the maximum, but the use of the weighing engines was discontinued by order of the trustees.

75. Do you confidently expect that, when the debt arising from these improvements has been paid off, you will be able to reduce the tolls upon that road?—There can be no doubt of it; and the whole of the statute labour was relinquished before the Act deprived us of it; nor is there any statute labour available upon any turnpike road in the county of Essex.

REPORT

FROM

SELECT COMMITTEE

ON THE

HIGHWAY RATES BILL;

WITH THE

MINUTES OF EVIDENCE.

Ordered, by The House of Commons, *to be Printed*
30 *June* 1837.

REPORT

FROM THE

SELECT COMMITTEE

ON THE

THAMES TUNNEL;

WITH THE

MINUTES OF EVIDENCE.

Ordered, by The House of Commons, *to be Printed,*
10 *July* 1837.

Jovis, 29° die Junii, 1837.

Ordered, THAT a Select Committee be appointed to consider the Papers laid before this House relating to the Thames Tunnel.

And a Committee is appointed of—

Mr. Chancellor of the Exchequer.
Lord Viscount Morpeth.
Mr. Walter.
Sir Robert Harry Inglis.
Mr. Hume.
Mr. Alderman Wood.
Captain Alsager.
Mr. Grote.
Mr. Branston.
Mr. Baring.
Mr. Warburton.
Mr. Goulburn.
Mr. Hawes.
Sir Thomas Fremantle.
Lord Viscount Sandon.
Mr. Thornley.

Ordered, THAT the said Committee have power to send for Persons, Papers and Records.

Ordered, THAT Five be the Quorum of the said Committee.

Lunæ, 10° die Julii, 1837.

Ordered, THAT the Committee have power to report the Minutes of the Evidence taken before them to The House.

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REPORT.

THE SELECT COMMITTEE appointed to consider the PAPERS laid before this House relating to the THAMES TUNNEL; and who were empowered to report the MINUTES OF EVIDENCE taken before them to THE HOUSE:—HAVE considered the Matters to them referred, and agreed to the following REPORT:—

YOUR COMMITTEE have taken Evidence upon the subject of the engineering difficulties belonging to the Undertaking, which they are of opinion will not be greater than are represented in Mr. Walker's Report. They have further considered the probable Revenue to arise from the traffic through the Tunnel when completed, which, from the very nature of such Evidence, must be in a great measure conjectural; they are not therefore prepared to give any decided opinion, whether the Revenue to arise from the proposed Work will be sufficient to cover the Exchequer Bill Interest on the Capital of £. 374,600 proposed to be expended upon it.

But looking to the importance of a Work of this nature for the first time now undertaken as a means of fixed communication in situations where no other, of an equally permanent nature, may be available, and also that the sum of £. 180,000 has been already expended upon the Work by the Proprietors, and the further sum of £. 72,000 by the Public, they are of opinion, that it will be expedient to authorize the Treasury to continue the advances to the Thames Tunnel Company according to the Act of Parliament.

July 1837.

LIST OF WITNESSES.

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MINUTES OF EVIDENCE.

Martis, 4° die Julii, 1837.

MEMBERS PRESENT.

The Chancellor of the Exchequer.	Sir Thomas Fremantle.
Sir Robert Harry Inglis.	Mr. Hawes.
Captain Alsager.	

MR. BARING IN THE CHAIR.

Marc Isambard Brunel, Esq., called in; and Examined.

M. I. Brunel, Esq.
4 July 1837.

1. Sir *Robert Harry Inglis.*] IS the Committee to understand, Mr. Brunel, that you have been chief engineer of the company forming a tunnel under the Thames from the date of the incorporation of that company, and that, in fact, it originated in a suggestion made by yourself?—Yes, quite so.

2. State to the Committee what attempts have been made at any former period to form such a tunnel, either in the neighbourhood where it is now actually in progress, or at any other spot higher or lower down the river?—One was made at Rotherhithe, which was begun in the year 1803, about a mile perhaps below where we are; it was suggested by a Cornish miner, a man of great experience; he found the means of beginning his operation in the year 1803; the size was merely a drift, which is a mere passage for effecting the drainage of his subsequent operations; in mining you must always provide for that.

3. What were the dimensions of the tunnel?—They were in the proportion of two feet six at the top, three feet at the bottom, and five feet in height.

4. What was the name of the miner?—Vesey.

5. Were his operations conducted under the direction of a company?—Yes, a company; the first company gave it up, and a second company took it.

6. What sum was expended in the operation?—Why, comparing the ground they removed, it cost them much more than it has us; the solid ground they removed and the works they made caused the expense to be a great deal more than ours has been.

7. According to the rule of three, you mean that the proportion of cubic feet of ground removed cost considerably more than the quantity removed by you?—Yes, nearly three times.

8. You have stated to the Committee that that tunnel, as tunnel it has been called, was not intended for the conveyance of goods or vehicles; but was rather preparatory to a greater work?—Yes.

9. What reason existed at that time for the non-completion, or, rather, the non-commencement of the greater work?—It was from want of a proper way of supporting the ground; it ultimately gave way upon them.

10. And has since been completely lost?—It was completely lost.

11. Was there not an attempt made to carry a tunnel under the Thames at Gravesend?—Yes; but they only made the well; they found there was so much water that they had no chance of success; therefore they gave it up.

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12. Captain *Alsager*.] They drained all the wells in the neighbourhood?—Yes.

13. Sir *Robert Harry Inglis*.] At what time did you first make the soundings in the river in preparation for your present undertaking?—I was first guided by the report of this miner as to the nature of the ground; still I considered it for a time, when an advertisement appeared; I would observe, with permission, that a second company was formed to prosecute what the first had given up; the second company prosecuted it further, and dissensions arose among the proprietors; it had been then five years in hand, till the ground absolutely sunk in upon them; in answer to the question as to time, I have to state, that I made no offer of plans till some years after the idea suggested itself to me by which I thought it was practicable.

14. Upon that idea was the Thames Tunnel Company formed?—I communicated my idea to the Duke of Wellington, who entertained it for some time with the notion that it might be used in some Government work; it was found, however, that there was nothing that it could be used for; but he entertained the highest idea of it, and so did Dr. Wollaston; Mr. Wollaston, hearing of the opinion of his brother, thought of forming a company, which was effected, and the plan was approved of.

15. What is the extreme breadth of the river at the part under which the Tunnel is carried?—One thousand and thirteen feet, I think.

16. What is the distance between that point and the nearest bridge?—It is by land near two miles; it is by land farther from us to London Bridge as from the London Bridge to Westminster Bridge, or nearly so.

17. Would it have been practicable, consistently with a due regard to the commerce of the river, to have thrown a bridge over it in that part of London?—It was suggested, but the City did not approve of it.

18. With your views of the commerce of the Thames, and of the large vessels navigating it, do you conceive that any bridge could have been constructed, looking also at the character of the shores on either side, which would not have been injurious to the commerce?—The City considered it so, I have heard.

19. What is your own opinion?—My opinion is, first, that the ascents must be so far to go over the top of the masts; and then, when the river is full of water, at high water you must navigate from side to side; frequently tiers of vessels are carried away, and if they were to fall against any obstruction, there would be great damage.

20. Are the Committee to understand that the result of your observation and judgment upon the question is, that it would not have been practicable to have erected a bridge on that spot, consistently with a due regard to commerce?—It was more City business than ours; we never went so far; it was left to itself, and it died away; it was more City business than ours; we made no opposition to it.

21. If a bridge cannot be constructed over that part of the river, do you consider that the Tunnel, in the present instance, will answer the purpose of a bridge under ground?—Completely so.

22. Whatever advantage then might have arisen from the erection of a bridge over the river at that spot, so far as the transit of goods is concerned, may be obtained from the Tunnel, when it is completed?—It is from the coasting trade being on one side of the river.

23. On which side?—On the south side; a considerable quantity being on the south side, and the docks all on the north side, particularly the London Docks and the West India Docks; they have no interest to go all round to the coasting trade, but by the Tunnel.

24. You consider, then, and you wish the Committee to understand as your opinion, that it will answer as a bridge for the transit of goods from the great marts of the City to that part of the coasting trade?—Yes.

25. Can you state to the Committee what proportion the estimated expense of the completion of this mode of conveyance, namely, the Tunnel, bears to the actual expense incurred in erecting the cheapest of the bridges recently erected upon the Thames in London?—Why, as far as the expense of a bridge can be known, it is a most costly thing, besides being a material obstruction to the navigation.

26. Can you state to the Committee, generally, the sum expended in the erection of Waterloo Bridge, including its approaches?—That is an item of great importance; I cannot say exactly; it is well known, and could be ascertained by inquiry.

27. State

27. State generally what you think it to be?—Upwards of 1,200,000 *l.*, with its approaches.

28. Can you state to the Committee what sum has been expended in the Queen Street Bridge, the Iron Bridge?—No, I cannot, but I have no doubt that it exceeded 500,000 *l.* sterling.

29. Does the last sum which you have mentioned include the approaches?—Yes, I think so, but I am not sufficiently acquainted with the matter to answer that question; the compensation must have been very considerable.

30. According to the estimate on the table of the Committee, as recited in a Treasury minute of the 26th of May 1837, it appears that the total cost of the Thames Tunnel, including the approaches, is 374,600 *l.*, making with the original capital of the company of 180,000 *l.*, an aggregate sum of 474,000 *l.*, the expense of the approaches on either side being therein included; this sum being therefore, if it shall be sufficient to complete the work, less than the cost of any other bridge, and without any injury to the navigation; is that the opinion which you wish to convey to the Committee?—Yes, it is.

31. These questions having been put to you to elicit your judgment as to the general merit of the work, if it could be completed, the Committee wish you now to state, as an engineer, what are the difficulties which to your mind present themselves as likely to impede, if there be any such difficulties, the future progress of the work?—I know of no difficulties as great as those that we have surmounted.

32. Are there any difficulties in the progress of the work, so far as your professional skill enables you to foresee them, which cannot easily be surmounted with an adequate supply of money?—Not so much money as the apprehension which I have suggested, of a difficulty in diverting the water from the lowest point where we are, particularly to the north side, so as not to be impeded by it.

33. Captain *Alsager*.] On the 27th of February last, a sinking took place in the bed of the river, on account of the silth running into the Tunnel; what was the result of that?—If any thing could dispel all apprehension as to the ultimate success of the Tunnel, it is that circumstance, and I will tell you why; though the ground sunk within two feet of the level of the shield, there was not more water (in fact, less water) upon that day than there had been for a week before, and afterwards there was no increase of water; the ground was covered all the way with bags of clay and gravel; it had been found necessary so to do, as the whole of the natural ground was gone, and it had been made up by ground which we threw now and then; to use an expression which will describe it exactly, though the bottom of the river sank, that is to say, the ground sank, but yet the water did not flow into the Tunnel; there was no more in upon that day than there had been for the week before.

34. Do you mean by that, that the super-strata was compressed, or did the lower portion of the strata sink into the tunnel?—It flowed into the tunnel in the proportion of five of water to one of sand.

35. And nothing remained above but the artificial strata?—No.

36. What advance was made in the Tunnel between the 27th of February and the 15th of April?—It was necessary to allow the ground to acquire more density; we have always found that, by leaving it to condense itself, we have succeeded in doing what could not be done otherwise; therefore we made no progress till within a few days, and latterly our establishment has been reduced merely to a few hands; therefore we have not the means of going on but a little at a time, and very little.

37. You cannot state then exactly what advance you have made since the 27th of February and the 15th of April?—No; I think we have made nothing during that time.

38. I observe, on the 15th of April, another small run took place?—Almost daily, more or less, for some time, but they have been stopped; I think since April or the beginning of May we have had none.

39. What progress has been made since the 15th of April up to the present period?—There have been only three feet, merely because we have had no establishment capable of working.

40. Then the small progress, you consider, is owing to the smallness of the establishment, rather than to any obstacle being in the way?—First, as to the obstacle of the running in of this ground, when it first ran in we had to continue to work, and the want of a place for the water to run to subjected us to such inconveniences, that the greatest part of our time, or most of it, was wasted, you

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may say, by the obstruction and inconvenience that we experienced from the water.

41. Do you bore the ground in advance of the shield?—Yes, we cut six inches at a time.

42. To ascertain what soil you are likely to approach, you have then to bore?—Very seldom it is not necessary; perhaps a foot above us may be as hard as possible, yet when we arrive at it, the substances become sometimes fluids.

43. They change their nature?—Yes, they change their nature.

44. Sir *Robert Harry Inglis.*] The Committee observe, that in Mr. Walker's Report, dated the 22d of April 1837, in the Sessional Paper 422 of this year, to which reference has been made in a late question, that the expense per foot of work done in the Tunnel from June 1836 to the 25th of February 1837 was very nearly 368 *l.*?—Per foot run.

45. But that the expense in the seven weeks from the 27th of February to the 22d of April has been nearly 3,300 *l.*, whereas the progress made has only been about three feet six inches?—Yes.

46. Will you state to the Committee, whether you concur with Mr. Walker in the cause which he thereupon proceeds to assign as the cause of such increase in the proportion of expense, namely, that a considerable part of the sum has been spent in throwing clay and gravel into the river to supply the place of what had run in, in clearing the silth and sand out of the Tunnel, and in forming the culvert?—Yes.

47. Do you concur with Mr. Walker in the further part of his report, in which he states that the advance recently executed in the Tunnel has been in the deepest and, he hopes, the worst part of the river?—I consider it so.

48. Where do you consider that the strata may safely be calculated upon as improving, as compared with the average of the last 90 feet?—Mr. Walker says, not until the bed of the river begins to rise, and I concur in that.

49. You concur with Mr. Walker in considering that it will be where the bed of the river begins to rise?—Yes, I concur with Mr. Walker that it will not be until the bed of the river begins to rise, which is at the distance of about 132 feet.

50. What is the distance between the point at which the Tunnel is now advanced and low water-mark?—I consider low water-mark is about 180 feet; it ascends gradually towards it.

51. What has been the rate of progress made per week on the average from the time when the work was resumed to the present time?—The first 18 weeks, two feet four per week; the next 18 weeks, three feet nine per week; the next 18 weeks, one foot per week; and for the last 12 weeks, only three feet four altogether.

52. That is, three inches and a third per week?—Yes, three inches and a third.

53. Then you have only been at work 66 weeks?—Sixty-six weeks at work.

54. Explain why you have made so slow a progress in the course of the last 12 weeks?—To give time to the ground to condense itself.

55. Do you wish the Committee to understand that the progress of the work has not been interrupted during the last 12 weeks, though you have made only so slow a progress; or do you wish the Committee, on the other hand, to understand that the progress has been interrupted, either from the irruption of the silth, or from the necessity of allowing the ground of the bed of the river to be consolidated?—That is the greatest cause of the interruption, giving time to the new ground to condense itself; this we have found to be the case, after the two irruptions of the river, that the ground once condensed becomes better than the natural ground.

56. When did you last advance the work, and at what rate was it advanced?—I think for the last week or ten days it has been advanced three feet.

57. Is the Committee to understand that, in the course of the last ten days immediately preceding the present day, the work has advanced at the rate of three feet?—We have advanced three feet.

58. Then have you reason to anticipate any proportionate rate of progress in the next 132 feet?—I should think not, unless we can divert the water.

59. How far in advance of the present point in the River where the Tunnel is, have you prepared the ground for the operation by superinducing an artificial soil of clay in bags?—At least 150 feet ahead of us.

60. *Chairman.*] So that you have gone as far as low water?—It is so; or at least 120 feet we have covered the ground ahead of us.

61. Are you obliged to delay until that artificial soil has settled?—I think it better

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better to give it time, and during that time, if we could erect works to drain the east portion, it would be then gaining a very great advantage.

62. Sir *Robert Harry Inglis.*] In what else can you employ your people, while the superincumbent mass of artificial soil in the bed of the river shall be consolidated?—I should say by sinking a shaft on the other side.

63. On the north side?—On the north side of the river.

64. A small shaft?—A small shaft or a large one, in order to draw the water to what I consider to be indispensable.

65. Do you refer to the drainage?—To the drainage; without which no mining operation can be carried on, without very great damage, though not so great a damage with us as in a small mine.

66. *Chairman.*] The drainage of that part of the works in which you are now occupied is carried on upon the south side, is it not?—From the south side.

67. And it is your wish to continue the drainage on that side until you have completed the work?—It is; we have proceeded in that manner.

68. Sinking the shaft is not necessary for the drainage of the Tunnel?—It is indispensable.

69. You think it indispensable?—Yes.

70. The drainage of the whole of the work may be carried on from the south side, may it not?—No; we have done every thing we could, but there is an incessant interruption resulting from it, because the Tunnel descends, and if we make a drift from here, it would be the natural run of the water.

71. But have you not passed the lowest point now; have you not already passed the lowest level?—Yes; but then it brings the influx of water upon that part, or where we are; it will always bring it there.

72. Sir *Robert Harry Inglis.*] Generally speaking, you have advanced, in the course of the last 66 weeks, 130 feet?—Yes, besides excavation, which is 10 feet, making 140 feet.

73. Is the Committee to understand from you that all danger will be past when you attain the point of low-water mark?—I consider so; I am perfectly confident of it.

74. Having in 66 weeks advanced the Tunnel 130 feet, have you reason to suppose that in an equal period of time you will be able to advance to the point where all danger will be past?—I expect so.

75. You have already stated to the Committee that you apprehend no difficulty to the completion of the work, except such difficulty as may arise from the want of pecuniary means?—That is all.

76. Can you state to the Committee any calculation which will enable them to form an opinion as to the probable receipts of the Tunnel by tolls upon carts and other carriages or passengers?—There is one thing to be considered, that is, its position as to direct communication; it communicates with a road to the north, and one likewise to Greenwich and Deptford on the south; consequently we are not, you may say, to contemplate new approaches; we have approaches coming to us. When we look at what has resulted from bridges, and the distance from London Bridge, we may anticipate that many establishments will be formed, and you may say they are gradually forming themselves, upon the south, as they have in other places where communication has been opened.

77. Captain *Alsager.*] Suppose the Tunnel is completed, what do you estimate will be the annual expense of keeping the Tunnel clear?—I think an engine of ten-horse power will be quite enough.

78. Do you apprehend that that will last for any definite time?—No, I think not, for this reason, that the shaft threw out 150 gallons per minute, and it is now reduced to fifteen.

79. Then, you apprehend, in the course of two or three years, when the different strata are settled down, and all your work smoothed over, that there will be no longer any necessity for keeping an engine?—I do not say that; it depends upon the depth to which we may have our shaft on the other side; water may collect for a week, and it may be pumped out in one day, it is so inconsiderable.

80. Only that will form a drawback as to the expense of keeping up the works?—I consider that an engine of 10 horse power will be sufficient to keep the water down: those who operated before me, not having the same precaution, as you will read in the Report, thought a 50 horse engine not enough, and ours, for the whole of this work, is not above a 28 horse power.

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81. Is it constantly at work?—Constantly at work, but it does other things. The annual expense of a 10 horse engine is very trifling.

82. What would be the annual expense of keeping the Tunnel free from water?—You may estimate it at about 300 *l.* a year.

83. You do not expect that it will last longer than after the first one or two years?—It may be longer than that; we found in the place which had produced so much water formerly, that it was reduced to nothing but just oozing.

84. *Chairman.*] Are these fissures in the brick?—Brick is not impervious to water, but the water we have, some has a good deal of iron in it, and other has deposited white and black; ultimately it will stop the water completely.

85. Mr. *Hawes.*] For the last ten days, Mr. Brunel, you say you have advanced about three feet?—Yes.

86. Now how is it that you were enabled to advance three feet, having stopped for so many weeks before?—The acting engineer will better explain that; we had not men enough to do more.

87. Is the acting engineer here?—Yes, he is.

Mr. *Thomas Page*, called in; and Examined.

Mr. *Thomas Page.*

88. Mr. *Hawes.*] YOU are the acting engineer?—I am.

89. When did the shield advance last?—Last week.

90. To what extent?—Eighteen inches.

91. How were you enabled to do that, having so lately suspended the work?—Because the ground had become more consolidated; the covering which we had put over came down; we had got rid of some of the river deposit; the gravel then came into the holes, and we advanced into better ground.

92. Then the necessity for giving time for the new ground you have occasionally to form to consolidate, is the cause of the recent delay in the progress of the work?—Yes.

93. Are you likely to go on advancing at the same rate as you have advanced for the last 10 days?—We may advance, perhaps, for the next week, 18 inches or two feet; and we may go on in the course of the week after, two or three or five or six feet; we shall advance gradually through the ground as it consolidates.

94. When you have advanced through the consolidated ground, what do you apprehend to be the chief importance of it?—That the natural ground will become disrupted by the action of the springs upon it, and probably the action of the present river water, which now comes in upon us; and we shall have another run of silt similar to that which took place in April last.

95. What plan did Mr. Brunel suggest to meet that difficulty?—He suggested sinking the small shaft on the Middlesex side.

96. Now explain to the Committee clearly how that would operate to relieve you from your present difficulty?—The strata through which we have advanced have an inclination or dip towards the north shore, that is, the Middlesex shore, of one-and-a-half per cent., 18 inches in 100 feet on the average; and we calculate that the spring which comes in upon us, and disrupts the ground, would be drawn to the shaft, which could be so constructed, with a pumping apparatus, as to pump the water out.

97. You expect, by removing the principal difficulty, you will materially quicken your progress?—Yes, decidedly.

98. Do you think that that measure would at all increase the expenditure of the company, as compared with the estimated expenditure?—Not at all.

99. Would it lessen it?—Yes.

100. Explain how it would lessen it?—We should begin by sinking the shaft, and while the shaft was being sunk by our men, we should probably be enabled to advance for some distance from where we now are; then, as the shaft would draw the water, the ground would not long be disturbed; and as we meet with no interruption when the ground is not disturbed by water, we might then calculate upon a progress of four or five feet per week, similar to that which we had in September, October and November last, when the ground was not disturbed by water.

101. Captain *Alsager.*] At that rate per week, what would be the gross expenditure per foot in working of the Tunnel?—When we went at that rate per week, I think

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I think the expenditure on the average was 180*l.*; but I have a statement here, which is calculated from the wages, and the materials used each week.

102. Are you prepared to state, that if the measure you are now speaking of was accomplished, and the rate of progress on an average reached from four to five feet per week, that the expenditure per foot-run would not exceed in the gross more than the sum you have mentioned?—Yes; referring to the progress made during September, October and November, I believe it would be under 200*l.*

103. Is your opinion founded upon the actual expenditure of the company under nearly similar circumstances?—Yes.

104. Are they sufficiently similar to justify that expectation, looking to the state of the ground before you?—Yes.

105. Now can you suggest any means of completing the Tunnel which should economize the public money, and which would tend then to reduce the expenditure of the company within the limits of the estimates?—I think the most economical mode would be, to sink a shaft on the Middlesex side; then commence the Tunnel there, and work at both ends; and I think the expense of the shield would very soon be saved by that proceeding, for we could then, when the ground through which we are now progressing were at any time disturbed, take the men to the north side, and work there.

106. Do you think, if that were done, that there would be a probability of reducing the gross expenditure of working the Tunnel below Mr. Walker's maximum estimate, namely, 374,600*l.*?—Yes, I do, and I think a saving would be in the great descent.

107. Explain fully to the Committee the effect of that material saving, how it would reduce the expenditure below that estimate of Mr. Walker?—I forget at what rate Mr. Walker takes it, and I am not prepared to show any figures, because part of the saving would be calculated upon the descent; it would require an estimate to be made.

108. Then you do not calculate upon the horizontal part of the Tunnel, but the saving, you think, would be in the descent?—Yes, and a saving also upon the Tunnel, if the amount is taken at more than 200*l.* per foot.

Mr. *Brunel,* further Examined.

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109. Captain *Alsager.*] HOW far does the present artificial strata extend over the working of the present Tunnel?—I have said 120 feet at least.

110. Will you require more than that amount of artificial strata to complete it before you get to the rising-ground?—Yes, about forty feet more.

111. Would forty feet more of artificial strata take you below the lowest part?—It would take us beyond the deepest part of the river.

112. Mr. *Hawes.*] You feel no difficulty in constructing the work from the present point?—There is no difficulty but what can be surmounted.

113. As an engineer, you say, that you can complete the Tunnel from the present point?—Of course.

114. You propose to sink a shaft on the other side, with the view to drain the water from the working where you now are, in order to expedite the progress?—Yes.

115. Expedition will go in diminution of the expenditure, will it not?—Yes.

116. Do you propose, or have you turned in your mind, any plan by which any further diminution of expense can be obtained?—Yes; the first is to employ the men leisurely upon the north side, and occasionally in making progress where we are, so that the time may be profitably employed, and forward the object of the Tunnel.

117. Mr. Page has hinted commencing the Tunnel on the north side, beginning at that end, and working towards the present point; do you think there would be any advantage in such a plan?—My opinion upon that is grounded upon former operations; I see, by some memoranda I have taken, that the first 18 weeks, for example, having less ground to run, we made 94 feet, that was on the Surrey side; you see the importance of that explanation; the first 18 weeks was 94 feet, which is five feet per week, the next 18 weeks was 156 feet, which is eight feet per week.

118. That rate of progress was made when you were working from the south side towards the north side?—Yes; then, for 18 weeks' period, 115 feet, which is

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six feet four per week; then the next 18 weeks, 180 feet, consequently 10 feet per week.

119. Supposing, then, that you commenced on the north side and worked towards your present position, how would you propose to continue an increased rate of progress when you came into ground of a similar nature to that in which you now are in?—We have had formerly as bad ground as we have had any where since, but you see there was that thickness; it would hardly be believed how thick it was; I said to the directors upon that day, the river would break in, and it did.

120. But when you come to where the crust of the river is the thinnest, how do you propose to continue an increased rate of progress, as compared with what you now make in your present position?—Supposing we come from this side [*pointing to the plan*], you observe that our runs to and fro are considerably shortened.

121. You mean the distance for the workmen and machinery, and so on?—Yes; and supposing that we had not enough here of ground, it is easy to augment it as far as here, supposing, then, that in time we may come with this as far as here [*tracing it on the plan*].

122. Where do you propose augmenting or thickening the crust, preparatory to your commencing on the north side?—I should say this part here, about 50 feet.

123. Then is it your opinion, that by the time you reach the thinner crust, that the new-made ground would be consolidated, so as to enable you to work at the same rate of progress as proceeding through the ground where the crust is the thickest?—Yes.

124. Captain *Alsager*.] By sinking a shaft on the north side of the river, you have this advantage, that you could work there under the more solid ground while the artificial crust you have put is hardening in the deeper part of the river?—Yes, and in proof of that, we have actually done what many engineers considered was impossible, to remove the old shield and substitute another, and that under ground precisely like this; we have effected it, and without a drop of water more than that; not only have we not had water, but not even the least derangement of the ground, and not a man hurt; while, in the same time, 30 men were killed in land tunnels. Allow me to explain how we proceeded; we measured the water carefully before opening; we opened the end, and we measured it again; we then removed the old shield, and put the new one, without the least derangement in any part of the new-made ground, because it was consolidated, though it was a most complicated service.

125. *Chairman*.] What effect would the sinking of a shaft on the north side have upon the strata through which you have to work, in your advance from the south?—That of drawing the water from the greatest extent. It will have a tendency to draw spring water towards it, by pumping vertically; there is no difficulty resulting from pumping vertically, but pumping horizontally; it is surprising what difficulty you have to maintain a regular draught.

126. Would it have the effect of draining the strata to the distance of 560 feet?—More than that, from the other side of the river it would come.

127. The Committee understand that you are working 560 feet from the point at which you intend to sink the northern shaft; will the drainage of that northern shaft have the effect of draining the strata to the distance of 560 feet?—I should consider further than that.

128. Do you still hold the same opinion?—Yes.

129. Is there any fact upon which you found that opinion?—Oh yes, when the London Docks were going on, some repair was necessary, and they pumped, which had the effect of draining some wells as far as Tower Hill.

130. What is the distance?—A mile, I dare say.

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Jovis, 6° die Julii, 1837.

MEMBERS PRESENT:

Mr. Hawes.
Mr. Warburton.
Captain Alsager.

MR. BARING IN THE CHAIR.

Marc Isambard Brunel, Esq., called in; and further Examined.

131. *Chairman.*] DO you consider it worse now than in the first half of the Tunnel?—No, I do not consider it worse, particularly with the powers that we have.

132. Then why do you think it necessary to estimate the expense of that portion of the Tunnel which is to be completed at a higher rate than that which has already been finished?—Lengthening the operation; and, principally, that we have met with greater difficulty from not having the means of diverting the water; but that I expect will be accomplished.

133. If you began from the north side of the river, do you anticipate that your expense would be greater than the expense which you incurred in beginning at the other side?—I have taken the thing into consideration, and the advantage we should have, by so doing, would be to operate on the present end at pleasure; that is to say, give time to the ground to condense itself, and employ in the meantime the men on the other side; by that means every thing that could be done would be done; the men would never waste time; that is an advantage.

134. But if you think that the ground is not worse in the second half than it was in the first half, what reason is there why you should take more time in sinking a shaft and working from the north side than in finishing the first half of the Tunnel?—I consider, and I hope that we should do it quicker; but it was not left to my option to have operated from the north.

135. Mr. *Hawes.*] Will you explain why you had not the option of completing the Tunnel in the best way which your judgment suggested?—It was presumed that the greatest difficulty was in putting up the shield; many engineers considered it was impossible; that impression was spread so far, that it was enjoined that the most dangerous and most difficult portion must be got over first, before any thing is done on the other side; therefore I had no option.

137. Captain *Alsager.*] Would it not require a similar engine and apparatus on the north side to what you have upon the south?—Quite so.

138. Then, in that case, it would double the expense for the time being?—It would add to the first expense, because it would not be proper, of course, to remove the shield, though it is practicable; I will not propose that; but if a new shield, operating from there, would enable us to go 12 or 14 feet per week, we should soon recover the expense.

139. You would save it in wages?—Yes.

140. *Chairman.*] After once removing the old shield, which was forbidden, you propose to begin from the north side?—Yes; removing the old one and substituting the new one was complicated and difficult; it was considered by many engineers as impracticable; therefore it was natural enough that the Government should say "You must overcome the first difficulty before we allow you to do any thing elsewhere."

141. But, having overcome that difficulty, what reason was there why you should not, as you proposed, have begun from the north side?—As to that, I cannot say.

142. Mr. *Hawes.*] Was there not a Treasury minute, expressing the conditions on which the Exchequer bills were issued?—The Treasury minute did not give us the option of doing any thing but to force our way through every difficulty.

143. *Chairman.*] Did the Treasury minute confine you to working from the south side only?—As a proof of that, I think I am right in stating, that the ground was bought, the curve for the shaft was obtained; I went to take the measurement; but I was told it was useless, because we could not do any thing from the other side.

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144. From whom did you hear that?—This is what I have understood from the board.

145. Mr. *Hawes.*] You have said you consider that the ground is not worse now than it was on the first half of the Tunnel?—I consider it so.

146. Is there any other disadvantage besides the nature of the soil, which might make the remainder of the Tunnel more expensive than the first part?—Yes, the water has augmented to a considerable degree upon us, because it has not had its vent elsewhere, which I contemplated to have given by making the shaft on the opposite side; that was my first item for the resumption of the works.

147. So that if you had a vent for the water on the north side, by a shaft on the north side, you would feel no difficulty in completing the Tunnel within the same time and at the same expense as the operation which has already been finished?—Yes.

148. If you could have had as powerful a shield before, might you not have made greater progress than you have done?—In former times, if we could have had a shield as powerful as the present is, we should certainly have kept a much greater progress than we did; as I have made that great progress, it must satisfy you of what we can effect now; I had reliance upon the new shield, so as to accomplish the object in a comparative economical way.

149. Is is not common in land tunnelling to work from two points at the same time and meet in the middle?—Always; they generally run a drift from one to the other, so that, if there is any moisture or any water, they may drain it.

150. How did the first projectors of the Tunnel propose to work?—I have all their plans here; they proposed to go to the middle of the river by what is called a drift, or a drain, properly speaking, which turns at right angles, and then work from the middle to the extremities simultaneously; that was the way proposed by several, but I would rather come from the extremities at once towards the middle than to go from the middle to the extremities; because the most serious operation is that of putting up the shield, and being immensely large, of which you may have an idea from this, that the size of the building of the House of Commons, taken outside, is precisely the breadth of our operation; therefore an opening like that from the middle of the river would have been almost impossible; but, coming from two sides, to meet in the middle, the shield would have been taken out in the same manner as we have taken out the old one.

151. Mr. *Warburton.*] If they began in the middle they must have had a coffer-dam?—No.

152. If they commenced working in the middle of the river how could it have been done without the means of a coffer-dam?—It was proposed by some persons, and it would have been done, without a coffer-dam or any work at all from above.

153. How could they have commenced in the middle, and have taken out all the works and brought in all the necessary implements, but by means of a coffer-dam?—To describe the manner of doing it is one thing, to do it is another; the plan was suggested not only by one but by several.

154. How could it be done, but by making a great opening in the middle of the river?—I do not advert to that, but I thought it impracticable; their plan was to have made a round hole at the place and have enlarged it gradually.

155. Mr. *Hawes.*] The proposed intention was to commence at the shore by means of a small drift, I believe?—A small drift.

156. And when they arrived at the centre of the river the plan was to expand it?—To turn at right angles for about 30 feet, and then from that place to enlarge and go on.

157. Captain *Alsager.*] To go straight on again?—Yes, north and south.

158. Mr. *Hawes.*] Then the plan did involve, in fact, beginning on one side first?—Yes; merely a drift, and it was done; that is what I represent it.

159. *Chairman.*] Am I to understand, Mr. Brunel, that you consider you have a better shield to work with now than you had before?—Yes.

160. And that from the north side you contemplate to make as rapid a progress at a low expense in completing the remainder half of the work, as you experienced in completing the first half?—Yes; I should expect to do quicker that operation than I have done the other.

161. And at a lower expense?—Consequently at less expense; observe, if you please, for 200 or 300 some odd feet we only had 215 men, and the number augmented we have went on to 500 men. We have done the other 550 feet in 17 months,

months, and with a comparatively small establishment for the greatest part of it; well, then, I expect, and I am sure, with a shield such as we now have, that we could go on at the highest rate that we attained then.

162. You have also the further advantage of having more skilful workmen than at the beginning?—Yes.

163. Which is a very considerable advantage?—Yes; and the advantage we should derive would be to give time to the new ground to settle well, and then gradually advance to the other.

164. Captain *Alsager.*] Do you apprehend any greater difficulty from the hydrogen gas that you inhale?—No, not from the other side; and I will tell you why the river deposits, which were 15 feet above our head, have all gradually sunk upon us; by accumulating they have come down upon us, and caused the air to be vitiated to such a great degree that some emit sulphurated hydrogen, others hydrogen gas sometimes exploding.

165. Mr. *Warburton.*] Do you pump in fresh air?—We have a ventilator, but it does not act upon the gas. The gas comes in so close that it ignites every moment, notwithstanding there is the precaution of setting fire to it to prevent it filling the head of the shield; it ignites, frequently, with violence.

166. Mr. *Hawes.*] An improved ventilation will remove that, will it not?—Yes; we have had the opinion of many chemists.

167. *Chairman.*] To revert to the future expense, am I to understand that you do not confirm Mr. Walker's estimate?—Why, no, because I could do it quicker and much more economically than he has computed upon the plan proposed.

168. Have you seen his details?—Yes, I have.

169. What part of that detailed estimate do you particularly find fault with?—We can make 12 feet a week for the same money as he puts down for 4 feet, as it will be, except the materials, of course; the expense being very great from workmen, a great deal more than from materials when it is a slow progress.

170. Then, do you find his estimate defective in every part, both in the conduct of the horizontal portion of the work as in the construction of the approaches?—I consider that, in carrying on the works of the Tunnel, he came at the worst time that we have experienced, viz., in June last year, and of course it is natural he should have conceived an impression, I should say, of uneasiness in respect to the mode of making progress through such difficulties; he computed that we must go at the same slow rate, and could not go faster than that.

171. Captain *Alsager.*] Two years and a half, I see, is the estimate?—Yes.

172. Mr. *Warburton.*] In consequence of having a shaft at the northern side of the river, will not the distance to which materials that are to be conveyed in and conveyed out, necessary to the execution of the Tunnel, should be carried upon the average through a distance less than by half the breadth of the river?—Exactly.

173. Then will not the completion of the shaft on the northern side of the river, in consequence of that diminished distance through which all the materials are to be carried, namely, half the breadth of the river, greatly reduce the expense in money?—Materially so.

174. *Chairman.*] It would moreover drain the soil and make it more favourable for the continuance of the work?—Yes, easier in every respect; the proof of it is by the number of men that we employed to make the first 350 feet; for example, we never had above 330 men, whereas we have had 500 men.

175. Captain *Alsager.*] How many men have you now?—I think it is only about 120 men.

176. Have you thoughts of suggesting a better plan of ventilating?—Yes; I think if we give more time to the ground to condense itself, that the inconvenience will not be so great.

177. Referring to that large wooden tube, how do you convey the air to the upper end of it?—By drawing the air; it wants to be lengthened at this moment; but we had two objects to attain, that of ventilating the whole Tunnel, and then gradually to communicate to the shield; this can be done, but the ventilator is not yet completed; then, I expect, by extending it under the excavation that we shall get rid of the inconvenience of the gas.

178. Could you not force air down by a fly-wheel?—We might; but it is better

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to draw the air up, because it is followed directly by a current, but if we have the option of both ways, we shall certainly do it.

179. What is the expense of a new shield?—We cannot get a new shield for less than 8,000*l*..

Joseph Charlier, Esq., called in; and Examined.

Joseph Charlier, Esq.

180. HOW long have you been clerk to the Company?—About two years and a half.

181. What distance is there between the Tunnel and the nearest bridge?—About two miles.

182. What is the nature of the population on the south side of the river, from Rotherhithe through Bermondsey and Tooley-street to London Bridge?—It is a very dense population, comprising nearly 43,000 inhabitants.

183. And on the north side?—On the north side, about 94,000; that is including the parishes of Poplar, Limehouse, Ratcliffe, Shadwell and St. George's-in-the-East.

184. Are not all the principal coasting wharfs, and the principal manufactories on the south side of the river between the Tunnel and London Bridge?—They are.

185. Are not the principal docks on the north side of the river?—They are.

186. What distance will a cart have to travel from the coasting wharfs to load at and return from the principal docks?—Presuming that they went from Tooley-street to load at the London Docks wharf, it would be at least five or six miles, and seven or eight if they were to go to the East or West India Docks, and return.

187. What advantage would be gained by passing through the Tunnel?—At least two-thirds of the distance.

188. Is not London Bridge very much crowded at present?—Very much.

189. And the approaches also?—They are.

190. Is not much time lost in the passage?—I should imagine very much by the crowded state of the streets.

191. Does the neighbourhood of the Greenwich Railway offer any additional circulation through the Tunnel?—I should think it would materially when the Tunnel is finished, as it passes so contiguous to the Tunnel.

192. Have you any approaches to make to the Tunnel, or have you great leading roads already completed leading to it?—The leading roads are generally made on the north shore; old Gravel-lane.

193. On the south side?—On the south side, Lower Deptford Road is the leadng road.

Mr. *Brunel*, re-called; and further Examined.

Marc I. Brunel, Esq.

194. Mr. *Warburton*.] WHAT is the distance on each side of the river, from the bottom of the shafts to where the proposed inclined plane reaches the surface?—It will be a spiral, making two entire turns round a cylinder, the depth of which is 57 feet, and the diameter 200 feet.

Mr. *Charlier*, again called in; and Examined.

Joseph Charlier, Esq.

195. *Chairman*.] HAVE you the books of the Company?—Yes, I have.

196. Can you refer to a data estimate of the probable amount of toll to be received at the Tunnel when it is completed?—I have taken from the books the following estimate of the probable income of the Tunnel Company formed upon the receipts of Waterloo Bridge, which bridge is situated between two free bridges; whereas the Tunnel is two miles from any bridge, so that persons going from the neighbourhood of Wapping and Rotherhithe, or *vice versa*, may have a distance of four miles to walk *vid* London Bridge; thence the probability of the passengers through the Tunnel being very much greater in number than those over Waterloo Bridge; the number of foot passengers over which bridge are averaged at 607 *per diem*, and produces 10,789*l*. 12*s*. 6*d*., vehicles and horses produce 2,899*l*. 5*s*. 9*d*., total 13,688*l*. 18*s*. 3*d*.; therefore, should the tolls of the Tunnel be only equal to this, allowing an annual expense of 3,000*l*. for lighting, watching and keeping the Tunnel, there would remain an annual balance of tolls of 10,688*l*.

197. *Chairman*.] Allowing how much?—Allowing 3,000*l*, per annum for lighting, watching and keeping up the Tunnel.

198. Are those all the data upon which the calculation is made?—No, the other is a table grounded upon the traffic over London Bridge and ferries; that is, if 850 carts out of 1,700, namely, at 6*d*., and 240 waggons out of 480, at 1*s*., (being

(being one-half the number which passed daily over London Bridge, and turned down into Tooley-street, as ascertained by persons placed to make observation), were to pass through the Tunnel, they would produce, yearly, reckoning only 300 working days, the sum of 10,000 *l.* Foot passengers, averaged at one-twentieth part of the whole number crossing the bridge, at 1 *d.* each, would produce 7,000 *l.*; then, from the passengers now going by ferries, ascertained to produce about 8,000 *l.* per annum, and of which it is computed, as likely to be collected through the Tunnel, say, at least, yearly, 5,000 *l.*, making a total of 22,000 *l.*

199. Is that upon the estimates you have?—Yes; 13,688 *l.* the one, and the other 22,000 *l.*; those have always been referred to as the best data.

200. How did you obtain that information with respect to the passengers?—Persons were employed and paid by the Company at the period for the information which they gave as to the traffic of London Bridge.

201. During what period?—The year 1829—in that year.

202. And during what length of time did they take an account of the passengers?—At least a fortnight, for I have all the accounts to show; the data was obtained by the Waterloo Bridge Company; more positive later information is being obtained by the directors at the present moment, but I have not had time to bring it before you now; perhaps you will allow me to refer to the authority of Lord Althorp, before whom all this data which I have now recapitulated was laid, at the time wherein his Lordship expresses his entire satisfaction, having carefully examined the thing; I will read so much of the letter as will not take up too much time:—"It appears that the distribution of such articles introduced into the port of London by foreign trade as are intended to be disposed of in the coasting trade is almost entirely conducted by land carriage, from the shipping engaged in the foreign trade to that engaged in the coasting trade; it appears also that the principal station of the vessels engaged in the coasting trade is on the south side of the river below London Bridge, and consequently between London Bridge and the Tunnel; the foreign trade is distributed on the north side of the river, in the East India, the West India, the London and the St. Katherine's Docks; at present, therefore, the entire land communication between the foreign trade and the coasting trade is carried on over London Bridge, but, from the three first-mentioned docks, the distances will be so much shorter by the Tunnel than by London Bridge, that for all heavy carriages it will be the interest of the trade to pay a moderate toll, in order to save so great a waste of time and labour; persons have been stationed at London Bridge to ascertain the quantity of traffic which daily passes over; this has been done for several days, and the result is, that of waggons and carts (the carriages on which alone we can calculate, as forming the traffic through the Tunnel), there pass over London Bridge, daily, 887 waggons, and 3,241 carts; of which, 480 waggons and 1,700 carts turn daily down Tooley-street; and a large proportion of which, therefore, are engaged in supplying the coasting trade, stationed as I have stated before. What this proposition is it is impossible to say; and from this, whatever it is, must be deducted all that part which comes from the St. Katherine's Docks, and from other parts of the metropolis to the west; but I do not think I exaggerate when I state, that one-half is engaged in the communication between the three eastern docks and the coasting trade; for this it will probably be found advantageous to pay moderate tolls, in order to pass through the Tunnel; if then the toll imposed on waggons be 1 *s.*, and upon carts 6 *d.*, and we take 300 working days in the year, the annual receipts from waggons and carts alone will be 10,000 *l.*; in addition to this, there are different ferries about the situation of the Tunnel; these are dangerous and inconvenient; but they produce at present about 8,000 *l.* a year; from this source I think it may fairly be estimated that the Tunnel may derive an income of 5,000 *l.*; from these two sources, then, the income may be estimated at 15,000 *l.*; there do not appear to me to be any other sources of income so certain as to justify me in taking them as data on which to form my calculations; but the populousness of the neighbourhood, and the variety of the pursuits of its inhabitants, render it most extremely probable that much other traffic will take place through the Tunnel. The sum of these observations is, that the money required may be 300,000 *l.*, and that there will, most probably, be forthcoming to pay the interest upon this sum, at least 15,000 *l.* per annum, exclusive of such other income as may be derived, and probably will be derived, from sources so uncertain, at present, as to render it impossible to calculate what their amount may be." His Lordship then alludes to the property of the Company which may not be appropriated to the purposes of the Tunnel, and from which

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another source of revenue may be derived; he then concludes by stating, "It appears there can be no doubt that the interest of the greatest advance may be paid; but the repayment of the capital must depend mainly upon the receipts, on which, at present, we have no right to calculate; this, most probably, will arise from traffic, which it is impossible to estimate, from the improvements which such a communication will make in the value of property on the south side of the river; but I should be unwilling to rest upon them more than they deserve." This is a letter from Lord Althorp to the Duke of Wellington, dated the 8th of April 1829, and it was further confirmed by a letter from Mr. Goulburn, of the 20th of the following month, to Lord Althorp, wherein he acknowledges the receipt of the letter addressed to the Duke of Wellington on the 8th ult., the object of which was to procure an advance from the public of 300,000*l.* for the purpose of completing the Tunnel under the Thames: "The proposal contained in it has been fully considered by the Duke of Wellington and myself; as far as we have the means of judging, we see no reason to doubt the accuracy of the estimate which your Lordship has formed of the future income of the Tunnel when completed, or of the sum necessary to complete it; but, as it is not the intention of the Government to place at present any further sums at the disposal of the Commissioners for making advances of money for public works, we do not consider that it would be proper to depart from that intention in favour of the particular work which is the subject of your application." Perhaps I may be permitted to lay in these letters as part of my evidence. Seven days afterwards the Duke of Wellington addresses a letter to Lord Althorp, and apologizes for having so long omitted to write on the subject of the Tunnel, upon which he had been so kind as to make inquiries. "Upon considering the subject with the Chancellor of the Exchequer and others of my colleagues, we have thought it best not to bring it before Parliament in this year, either in the way of aid direct from the Treasury or of lottery; I think it probable that we shall be enabled to bring the subject forward in the next Session, and I hope that we shall have the benefit of your Lordship's assistance in doing so." Then there is a paragraph recapitulating our estimate, amounting to 246,000*l.*, and then it states, "Besides this, a considerable sum must be provided to meet unexpected expenses and accidents, and on the whole I could not recommend to your Grace or to Parliament to advance any money unless you were prepared to advance 300,000*l.*, if necessary."

203. What was the sum authorized to be advanced by Parliament?—Two hundred and seventy thousand pounds.

204. What further sum is required, according to Mr. Walker's estimate?—One hundred and four thousand pounds.

205. Making in the whole, how much?—Making in the whole 374,000 *l.*

206. Mr. *Hawes.*] Which, added to the former expenditure of the Company, will amount to, what sum, as the probable cost of the Tunnel and all the works connected with it?—The former expenditure of the Company being 180,000 *l.*, that added to the 374,000 *l.* will make a grand total of 554,000 *l.*, presuming that amount of Mr. Walker's estimate would be expended by the Company.

207. What amount will be charged with interest to the Government?—Three hundred and seventy-four thousand pounds.

208. What is the Exchequer bill interest charged upon bills advanced for public works?—The highest rate of four per cent. would require an income of 15,000 *l.* to pay the interest; that would pay the interest of 374,000 *l.*

209. *Chairman.*] From that 15,000 *l.* you would have to deduct 3,000 *l.* a year for annual expenses?—Yes, we have already estimated the expense of lighting, watching and keeping the Tunnel at 3,000 *l.* a year; it is to be lighted night and day.

210. Then that would not cover four per cent. for the whole?—That is Lord Althorp's estimate that I have given.

211. Then, according to Lord Althorp's estimate, there would be a defalcation of 3,000*l.*?—Provided it did not yield more than his Lordship has stated, and the interest was four per cent. on 374,000 *l.*

212. What are the details of that estimate of 3,000*l.* a year, as the annual expense?———

213. When did the directors first suspect an increased expenditure over the estimate, which they delivered to the Treasury at the period when the advance of public money was authorized?—At the commencement of this year, I should imagine,

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imagine, when the engineer first drew their attention to the extra expense of labour from engineering causes, and the state of the ground requiring extra pumping.

214. State the date of that?—In January there was a special report of the engineer sent in with an expenditure statement, to which the attention of the Treasury was drawn.

215. What engineer do you allude to?—The Company's chief engineer, Mr. Brunel.

216. Can you furnish that report?—I can; this is a special report formed for the information of the Lords of the Treasury, dated the 25th of January last, and addressed to the Directors of the Thames Tunnel: "Gentlemen, in laying before you a statement of the progress of the Tunnel since my last report of the 7th of December 1836, the extent of which is 9 feet 3 inches, thereby making the total length 729 feet 3 inches, I beg leave to call your attention to the circumstances which have concurred to retard our operations; the water from the land springs, which has saturated the ground over the shield alluded to in my last report, has been so greatly increased by the unprecedented rains, that it has penetrated the strata in the upper part of the excavation, and, accumulating in advance of the poling boards, has run into the shield at intervals with great violence, disrupting and carrying with it the natural ground, which, at this point consists chiefly of sand. Under these circumstances, I thought it expedient to provide for the influx of the sand by inserting pipes in the face of the work, and by so doing have succeeded in producing a depression of the super-stratum of clay forming the bed of the river; this has come down and occupied the place of the sand, followed by the covering of clay, in bags, and of gravel, previously deposited over the bed of the river; the formation of this covering has been made and regularly continued during our progress; these important changes in the ground, under the deepest and principal channel of the river, which it required sometimes to effect, consistent with that caution which is so essential in such works as ours, have satisfactorily demonstrated the power and efficiency of the shield for supporting the greatest pressure it can be subjected to, and have given ample evidence that the arrangement provided for working it are equal to any obstacles which we may have to overcome. Great inconvenience has also been occasioned by the difficulty of drawing the water from the extremity of the Tunnel through suction pipes of so great a length; but this will be obviated by a change in the apparatus. The difficulties which we are encountering, whilst they have lessened the rate of progress and consequently increased the proportionate expense, have, however, permitted me to reduce the establishment of workmen, in order to meet, as far as it is possible, this extra cost; as to the completion of the Tunnel from the Surrey side of the river, my intention remains the same; no works whatever have been commenced on the Middlesex side of the river, nor will any be undertaken, unless it should be thought expedient, after reaching low-water mark on that side, the distance of which now is only 195 feet, as may be seen in accompanying plan, and when it may be deemed economical to do so; but this is still a point for future consideration."

217. When was this taken into consideration by the directors?—In the month of March last, I believe there was a special meeting of the Finance Committee upon the circumstance.

218. What steps did they take?—They drew up a statement of the proceeding, and sent it to Mr. Walker, the Government engineer, who had been sent to view the Tunnel in its then state.

219. Was it then that he formed the statement which has been laid before us?—I presume it was; it is dated in April, I think.

220. Did the directors then make any communication to the Government?—In answer to one which they had received from the Treasury.

221. Mr. *Hawes.*] The communication to which you allude is now printed in the Parliamentary Papers?—Yes, it is; that was imagined to be a communication to Government.

222. *Chairman.*] After the application to Mr. Walker, what was the first communication which the director had with the Treasury?—That, until returns had been made to the House of Commons, that no other sum but a sufficiency for going no with the current expenditure would be advanced to the Company.

223. Was that a communication from the Treasury, in consequence of an application from the directors for a continuance of their advances?—It was.

224. Captain *Alsager.*] You say when you are in full work you require 400 men?—

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men?—That has been the highest rate of the establishment since the last recommencement of the work.

225. And now you have only 100 men?—Yes, till last week, when the favourable state of the ground enabled Mr. Brunel to take on an additional number; I think 30 men.

226. What is the amount of wages weekly?—It has been reduced now to 17*s.* a week, with this increased number of men, for the last week.

227. That is the weekly amount of wages?—Yes, at present.

229. *Chairman.*] What steps did the directors recommend at that special meeting with regard to the continuance of the works?—They drew the serious attention of their chief engineer to the necessity for an immediate reduction of the establishment, and also notified to him that the following week they would take into consideration the advantage of a total cessation of the works.

229. And did they stop the works?—The week that the reconsideration of the subject was to come, a ring of bricks was reported by Mr. Brunel to have been added to the Tunnel, by which another week's postponement of the subject took place, when a foot of brickwork had also been added to the Tunnel.

230. An entire foot?—An entire foot, making altogether a ring brickwork of nine inches; there were nine inches of brickwork added in two successive weeks, at the period they supposed that the shield could not advance.

231. Throughout the whole length of the Tunnel?—Yes.

232. Mr. *Hawes.*] Then, in point of fact, that created an expectation of improving the rate of progress?—It did.

233. The advance of the two weeks indicated a better state of the ground?—Yes, it was so reported by Mr. Brunel.

234. Mr. *Warburton* to Mr. *Brunel.*] What is the proposed breadth of the spiral road?—It will be 20 feet wide.

Mr. *Thomas Page*, called in; and Examined.

Mr. *Thomas Page.*

235. *Chairman.*] HAVE you any corrections that you wish to make in your evidence of Tuesday?—I wish to make an addition to what I said respecting Mr. Walker's estimate; I was asked if I thought the plan which was proposed, of sinking a shaft on the Middlesex side, and commencing operations and excavations for the Tunnel on that side, so as to make progress on both sides, would bring the expense under Mr. Walker's estimate for the completion of the Tunnel; I stated I thought that it would, for Mr. Walker allows a progress of four feet and a half per week; that is two years and a half for completing 570 feet of the Tunnel. When we made that progress with a large establishment of men, which would have enabled us to go eight feet per week, the expense per foot was 190*l.*; calculating that sinking the shaft would so drain the ground as to preserve it in an undisturbed state, we should at that rate make progress at a less expense than 190*l.* per foot. Mr. Walker allows for that in his estimate, stating, that "if the ground is improved the expense will be less than he has stated." It would save 10,000*l.* on Mr. Walker's estimate, provided we work in undisturbed ground, at that rate of progress, viz., 4 feet 6 inches per week.

236. Captain *Alsager.*] The strata you are now working is a thick blue clay?—It is principally what is called plastic clay.

237. But it is so solid that the foot of the shield does not sink at all, notwithstanding the pressure above it?—No; the foot of the shield is not upon the clay, but upon gravel embedded in green sand; above that there is a stratum of rock over which the shield will pass; the Tunnel will ascend above it, and the foundation will become better and better as we go along.

238. Mr. *Hawes.*] What is the depth of that stratum of rock?—About 1 foot 9 inches.

239. How long does it continue?—The whole length of the Tunnel.

240. Does not the present course of the Tunnel continue upon it?—The rock dips one way and the Tunnel will rise the other; the shield will continue upon it about 50 feet.

241. Mr. *Warburton.*] The rock dips to the north?—Yes, to the north.

John

John Barker, Esq., called in; and Examined.

242. *Chairman.*] YOU are deputy chairman of the Company?—Yes.

243. The estimate which you gave in to the Treasury was founded upon the report of Mr. Brunel, was it not?—Yes, it was.

244. That estimate was afterwards found (from the circumstance of the work turning out different from what was expected) to be inadequate?—The directors considered that it would prove to be inadequate, in consequence of some circumstances which occurred as to the nature of the ground from the nature of the strata, in consequence of its giving way, which was explained in the communication to the Treasury.

245. In consequence of that, you applied to Mr. Walker, the engineer, and he delivered in an estimate of his own, did he not?—The Treasury called upon Mr. Walker to make a report, to investigate the work generally, to state its progress and the probable results, and to make a report for their information; he was appointed by the Treasury.

246. Had Mr. Walker been sent from time to time to inspect the works, or was it from some special application to him that he was sent upon this occasion?—I consider that the Treasury, acting on behalf of the public, considered it to be their duty to call upon some engineer to investigate the work generally, in order to justify them in the advances they were making of the public money; I considered that to be their motive; so that, in case of any question hereafter arising, they might show that they had taken due precaution with respect to the several advances.

247. Was this the first occasion upon which Mr. Walker came to examine the works?—No, he called upon a former occasion.

248. Did he express himself satisfied with the progress upon the former occasion?—I believe he did; I do not at this moment recollect; but I believe he was quite satisfied with the progress that we were making.

249. Did he communicate to you the purport of the letter, dated the 22d of April 1837, addressed by him to the Treasury, which we find in the papers laid before Parliament?—No, that communication was made by him direct to the Treasury, and the Treasury informed the board of directors of his communication, desiring them to make their observations upon it.

250. What was the tenor of those observations?—I believe it is given in the papers submitted to Parliament.

251. Do I understand you that the directors acquiese in the report of Mr. Walker, or do the contest it?—They acquiesced in the report of Mr. Walker, conceiving that the results which he states in his report may possibly occur, as to the increased expenditure; the chief point of Mr. Walker was to the increased expenditure,—the increased probable expenditure over what had formerly been estimated; and, from the circumstance which had occurred, the directors had no reason to contravene that report.

252. Mr. *Hawes.*] The principal excess Mr. Walker anticipated, arose from the cost of the great descents, did it not?—Yes; I would observe, that the directors acquiesced in his report; they conceived that it might be according to his opinion as regarded the formation of the Tunnel, which was the most difficult part; but as regarded the expenditure, for the purchase of premises and the descents, the opinion of the directors, although not communicated to the Treasury, because they did not wish to call in question his report; the opinion of the directors was rather against that estimate, because we consider that we can purchase the property at a considerably reduced price.

253. *Chairman.*] Below what Mr. Walker contemplated; 170,000*l.* is the sum which he estimates as necessary for the approaches, shaft and purchase of premises?—Yes.

254. What is the amount of your estimate?—The estimate for special purposes, that is, the purchase of premises; the estimate of the directors, for the purchase of premises and for the great descents, amounts only to 108,000*l.*

255. Mr. *Warburton*] Is that the results of any actual communication with the proprietors of the premises?—It was founded upon that; and indeed the amount given in this statement for the purchase of premises, which is 40,000*l.*, was stated at the very utmost extent that there was any probability of our being called upon to pay; we really do not expect to pay for the purchase of premises but little more than one-half the amount.

 256. *Chairman.*]

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256. *Chairman.*] What was the amount of Mr. Walker for the purchase of premises?—He does not give the detail of it; we understand that he estimated the purchase of premises at considerably above our estimate; he did not call upon us to detail the data upon which we had grounded ours.

257. In your estimate, what proportion of the 108,000*l.* was for engineering works, such as Mr. Walker could best estimate the expense of, and what proportion of it was for the purchase of premises, of which you are quite as good judges as he is?—Forty thousand pounds of the 108,000*l.* is for the purchase of premises, and 68,000*l.* for the descents; the reason why we consider the 40,000*l.* as an excess is, that the property on the Wapping side belongs to the Bridewell Hospital, and we have made an arrangement with them for the purchase of their interest in the property for a sum of about 13,000*l.*; we have taken 40,000*l.* for the purchase of premises, the great portion, indeed the whole of it almost, on the Wapping side of the river; the whole of the property, that is the freehold of the property, is in the Bridewell Hospital, and we have made an arrangement for that property for 13,000*l.* only.

258. In that arrangement, do you include more land than you actually want to make use of for the purpose of the Tunnel?—Not to any extent.

259. Is there any portion from which an income would be derived?—I do not consider that there is any portion to be considered as can be disposed of to any particular advantage; in taking these premises, of course, we are obliged to take certain premises as they stand, in forming the approaches, not according to the drawings, and therefore there might be some premises to dispose of remaining; but we do not take any thing that is not immediately necessary.

Mr. *George Powell*, called in; and Examined.

Mr. *G. Powell.*

260. *Chairman.*] YOU are clerk to Waterloo bridge?—Yes.

261. Assistant-clerk?—Assistant-clerk.

262. Are you acquainted with the number of passengers passing over that bridge?—I am.

263. What is the number?—About 6,500 daily.

264. What is the number of foot passengers passing daily over Westminster Bridge, and the number of carts, carriages and horses?—One hundred and thirty-four thousand six hundred and eighty-four foot passengers, 16,116 horses and carriages; that is in 24 hours.

265. Blackfriars Bridge?—One hundred and fifty-one thousand three hundred and seven foot passengers, and 14,683 carriages and horses of every description.

266. Are you acquainted with the number of foot passengers passing over London Bridge in 1811 for a day or 15 hours?—For 15 hours, it was taken in July 1811, from five o'clock in the morning till ten at night; the numbers were 80,640 foot passengers, and 6,182 horses and carriages.

267. Upon what data do you give these three last estimates?—From actual counting taken upon the spot.

268. By yourself?—Partly by myself, of course assisted by others; that at London Bridge I took entirely myself in 1811; the traffic at Westminster and Blackfriars I was relieved occasionally, taking it for two or three hours, and assisted by others.

269. With what view did you make that estimate?—To ascertain the traffic over the two bridges, and the comparative small traffic over the Waterloo, for the purpose of showing that the traffic was so enormous over those two bridges, and so very inconsiderable and insignificant over Waterloo Bridge.

270. To what do you attribute the difference?—The one being a toll bridge and the other free bridges.

271. Would you expect that toll would be equally as prejudicial upon the Tunnel as upon Waterloo Bridge?—I do not think it applies so much to a tunnel being so far removed from any other transit; the Waterloo Bridge is placed at an equal distance between the bridges; they are at very short distances from Waterloo Bridge on either side.

272. What is the distance on either side?—On the Surrey side about three quarters of a mile, not quite so much from the foot of Waterloo Bridge; on the Surrey side to Blackfriars Bridge is not so much as three quarters of a mile, for I measured it; I should think little more than half a mile along the Belvidere Road, probably not more than half a mile; and I think not more than half a mile to Westminster Bridge; they are about equal distances.

273. Mr.

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273. Mr. *Warburton.*] What is the fare across at Waterloo Bridge?—The boats that ply at the bridge take persons across for a penny.

274. There is no obstruction at Waterloo Bridge; persons wanting to cross have merely to descend the stairs, and mount up those on the opposite side?—Certainly.

275. There is no difficulty or labour at Waterloo Bridge, if they wish to cross the water; the difference is between riding across in a boat, and walking across the bridge?—Yes, clearly.

276. In the case of the Wapping Tunnel, where there are so many places at which persons could take water, and go across, would there not be a considerable distance and labour required for an artisan returning from work?—No, I think not; he would take into calculation the delay and danger attendant upon crossing the river at those places, and be more inclined to go along the Tunnel than cross the river, on account of the number of steamers plying, unless boats were specially built for the purpose.

277. Mr. *Hawes.*] In point of fact, the fare is not a penny, unless there is a certain number of passengers ready to go?—It is threepence at the Tunnel for a single foot passenger.

278. What are the general places for boats plying?—I am not aware; I know the neighbourhood, but I am not aware of any plying at Rotherhithe.

279. But there are stairs very near?—There are.

280. Where they take a penny?—If three or four are going, I have no doubt they would.

281. In winter time is there not considerable obstruction to crossing the river frequently?—Not so much as in summer time.

282. You think ice in winter a less obstruction than steam-boats?—I think below bridge there is very little obstruction from the ice; I never recollect seeing any, except on one or two occasions; above bridge there is considerable obstruction in a severe winter.

Mr. *Brunel*, called in; and further Examined.

Marc I. Brunel, Esq.

283. Mr. *Warburton.*] THE radius of your spiral you say is 100 feet?—Yes.

284. The cord is 60 degrees, is it not, for 100 feet?—Yes.

285. Well, timber, you are aware, runs sometimes to the length not unfrequently of between 50 and 60 feet, and sometimes to the length of 70 and upwards?—Yes.

286. How do you propose that a timber carriage in a spiral of this radius shall pass along, without entirely obstructing the road?—It has two circular walls.

287. *Chairman.*] What is the diameter of the smaller?—It will be 160 feet.

288. What is the diameter of the inner one?—The smaller is 160 feet.

289. What is the larger?—Two hundred and six or 208 feet, so as to put the thickness of the wall outside.

290. Mr. *Warburton.*] How are you to get long timber through?—You will observe by this figure [*exhibiting a Paper*] that it might almost touch the wall all round.

291. But you have drawn your piece of timber so very short; if you take a piece of timber of 40 feet, there will be no difficulty; but timber-carriages will very commonly bring pieces of between 50 and 60 feet in length?—Fifty or 60 is trifling; you will find the breadth of the cart throws the load in such a manner, that you will have a straight line for 60 feet very easily; I am afraid that any thing like 60 or 70 feet might be perhaps inconvenient; but I should say there is still room necessary for any carriage to pass; the inconvenience will occur so seldom, that it is hardly worth considering; if a piece of 70 feet cannot pass, they must take it round.

Samuel George Bowler, called in; and Examined.

Samuel G. Bowler.

292. *Chairman.*] ARE you beadle of London Bridge?—Yes.

293. You attend the London Bridge?—I have been upon the old and the new nearly 11 years.

294. What is it your duty to do?—It is to be on from six o'clock in the morning, at this time of year, till nine o'clock in the evening; and in winter, from Michaelmas-day to Lady-day, from eight o'clock in the morning till seven at night.

295. Has the traffic increased of late years?—It has, greatly.

296. Has it increased since the new bridge has been built?—I consider, daily, that

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that more go over the new bridge than ever went over the old, because the pavement of the old bridge was only seven feet wide, and this is nine feet, which is now only sufficient to allow the public to go over.

297. How long has the new bridge been opened?—It has been opened six years the 1st of August.

298. Have you seen any difference in the number of passengers within the last five years?—According to my recollection, I consider that a great many more persons go over the new bridge than went over the old one.

299. You think the traffic has increased?—Yes, I do.

300. Do not a great number of the passengers that go over the bridge turn down Tooley-street?—A great number turn down Duke-street into Tooley-street, and a great number go down the steps by Fenning's Wharf, and so into Tooley-street from the bridge.

301. Has not the Greenwich Railway increased the number?—It increased it very much at first when it was opened, but it decreases now very much.

302. Does not the Greenwich Railway give facility to the transit of persons wishing to come from the north in preference to going round by the bridge?—Not exactly.

303. Supposing a person wished to go from Wapping to Deptford or Greenwich, or into Kent, does not the Greenwich Railway afford great facility, by taking them out by the Tunnel instead of coming round London Bridge?—I consider going down to the Tunnel the nearest way; they could walk down to the Tunnel in 10 minutes.

304. How far is the starting-point of the Greenwich Railway from the Tunnel?—It is nearly half a mile.

305. How far is it from the foot of London Bridge?—From where the railway puts down at Bermondsey new church, to go to the Tunnel, it is about a mile and a quarter from London Bridge.

Veneris, 7° die Julii, 1837.

MEMBERS PRESENT:

The Chancellor of the Exchequer.	Mr. Warburton.
Mr. Hawes.	Captain Alsager.

MR. BARING IN THE CHAIR.

James Walker, Esq. called in; and Examined.

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306. *Chairman.*] YOU are a civil engineer?—Yes.

307. What directions have you received from the Treasury with respect to the Thames Tunnel?—Without referring to the words of the directions, which, however, I am able to do, I should say, that the directions were to inquire into the probability of the work being completed, and the expense of it.

308. At what period?—At two periods; one about May 1836, and the other about the same time in the present year. On referring to my report, I find that my first directions from the Commissioners of Exchequer Loans were on the 31st of May 1836; they are in these words: "That I survey the works of the Thames Tunnel, and report to the Board, for the information of the Lords of his Majesty's Treasury, on the past expenditure and future prospects of that work." The second, also from the Exchequer Loan Commissioners, refers to two letters from Mr. Spearman, dated Treasury Chambers, 20th January, and 4th April 1837, in which I was directed "again to survey the Thames Tunnel, and report upon the state, progress and future prospects of the works carrying on by the Thames Tunnel Company, and the probability that such works may be completed for the amount of the sum estimated."

309. What was the amount of the estimate of the probable expense of the work, on the first occasion of your examining it?—I formed, to the best of my recollection, no detailed estimate at that time as to the probable amount of completing the works.

310. Was this before the loan of 270,000 *l.* was authorized by an Act of Parliament to the Company?—I believe subsequently.

311. Was

311. Was it prior to the actual issue of any monies from the Treasury?— I believe 30,000 *l.* had been issued previously.

312. What was the purport of your report?—The purport of my report was, that the 30,000 *l.* which had been then advanced, appeared to me to have been properly applied to the construction of the Tunnel and the necessary contingent expenses; that with that money the effects of the last irruption had been overcome, a new shield mostly paid for and substituted for the old one, and 39 feet of the Tunnel built; that the probability was in favour of the Tunnel being completed to the Wapping shore if the funds were supplied, but that the expense would be greater than was stated by Lord Althorp in April 1829; that there had been no detailed plans and working drawings of the descents, to enable me to form a correct estimate of the total cost of completing the approaches and the great descents, and that the probability and cost of completion would be better estimated after the expenditure of such further sum as might be advanced towards the work, as this would not only enable a more correct judgment to be formed of the cost of completing the works under the river, but give the opportunity of forming more detailed plans and estimates of the purchases and of the other works. To which I added, "that although the cost might exceed the estimate, it was not likely, if the Tunnel were made, that it would be left by the Company without descents and approaches, should the estimated sum fall short of completing these."

313. What was the occasion and purport of your second report?—The occasion of the second report was another application made by the Company for a further advance from the Treasury; the date of my second report was the 22d of April 1837, and the report itself has been printed and laid before Parliament.

314. Acccording to your opinion, as there stated, the 270,000 *l.* which the Treasury is authorized to advance will not complete the work?—That was my opinion.

315. Had you any means afforded you of coming to a correct opinion on that point?—I believe all the means in the possession of the Company were afforded me.

316. What was the sum at which you estimated the completion of the Tunnel itself?—One hundred and forty thousand pounds.

317. In forming that estimate, did you take into consideration that the ground on the north side would be more unfavourable than the ground which had hitherto been traversed on the south side?—Yes; I think I did, at the same distance from the margin of the river.

318. On what did you ground that opinion?—From the ground appearing to be worse, and notwithstanding the great experience of the engineer, the difficulties greater where he now is than at the same distance from the margin of the river on the Surrey side.

319. Is it from the greater depth of the channel at that point, or from the different nature of the strata through which he has to pass?—Not the greater depth so much as I think the looser strata; the opinion I have generally heard from the workmen connected with the Trinity House, and others that I had the opportunity of conversing and communicating with, was, that the ground would rather get worse on the Middlesex side of the centre line of the river than it had been on the Surrey side, and I think that the experience which has been had, and which now exists, tends to prove it.

320. Did you form your estimate upon the expectation that the difficulties would still further increase?—No, I think not; I do not think it likely that any part will be worse than the part which they have lately been and are now employed about. The few feet last done have cost much more than I have estimated any part.

321. Do you consider that any advantage would be derived from sinking a shaft, and beginning on the north side of the river?—Supposing it to be resolved that the Tunnel was to be completed, without regard to cost, I think there would.

322. Do you think any economy would arise from so doing?—Yes.

323. And that the whole sum stated in your estimate might not therefore be required?—No, I should not be disposed, on that account, to lower the estimate; I have never found estimates in these very hazardous works too high; I think it is better, in regard to this point, to endeavour to meet the difficulty fully in the face, and at once to say, I think a less sum ought not to be contemplated for finishing

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finishing the work; if it does take a less sum, so much the better, but I would say this, that no cautious man would fully commit himself to state that any particular sum, not even the sum I have estimated, would complete this work.

324. But you think, upon the whole, from the data that were presented to you, that your estimate is a liberal estimate?—I think it a fair estimate; I would say, that the Committee may be fully aware of the mode in which I did the thing, that I took the past experience, the present state of the works and the future probability fully into my consideration in estimating the expense of the Tunnel, and I apprehend, unless the thing be hurried, the cost of it may be found to be near the mark. The other, that of sinking the great shaft, the person who has the best information upon the subject is Mr. Brunel himself; and I will tell the Committee fairly, that, on looking at the estimate of the details of that work which he gave me, I thought it was much too low, and doubled the greater part of his prices. I name that not by way of showing that Mr. Brunel's estimates are inaccurate, but to inform the Committee of the prices which he gave to me, and I thought it was better, in the way I was employed, to make the estimate rather full than otherwise; but I would not at the same time have the Committee believe I am committed to that estimate, though I certainly would not wish them to suppose that a less sum would complete the work.

325. Do you differ with Mr. Brunel as to the price of materials or the quantity of materials requisite, or simply as to the labour which will be necessary to effect that part of the work?—I think, speaking from recollection, it was chiefly in the amount of labour, and from considering that his prices for the timber and brickwork were under what the peculiar circumstances of that work required. Mr. Brunel's plans were too general for a minute and detailed estimate.

326. How did you estimate the expense of the Tunnel?—I took 135 feet before the bed of the river begins to rise, so as to give more roof, at the rate of 350 *l.* per foot; I took 103 feet from the lowest point to low water, at the rate of 300 *l.*; 195 feet from low water to the Wapping wharf, at the rate of 200 *l.*; and 130 from the wharf to the shaft, at the rate of 120 *l.* I made that about 135,000 *l.*, to which I appear to have added, for a reason that I do not exactly remember at present, 5,000 *l.*, making 140,000 *l.*

327. Have you ever directed your attention to the probable annual expenses of an engineering nature, in the maintenance of the Tunnel after its completion?—I have not done so particularly, nor has any application been made to me to do so. Answering the question off-hand, I do not see that the Tunnel itself is likely to require any considerable expense in supporting it afterwards; the works, as far as they have gone, are very substantial and well done. The repairing of the roadway through it will be attended with some expense, and I apprehend that this, the getting rid of the water from the bottom of the Tunnel, and the lighting with gas would be the principal expenses.

328. Can you form any estimate as to the annual expense of getting rid of the water?—I can do so, but I am not prepared to do it now; it would require to be matter of calculation. The present quantity of water is much greater than it will be when the whole is inclosed with brickwork; still there will be some water to take out, and an engine to be kept for that purpose.

329. After the work is completed, do you suppose that the brickwork will become so consolidated as that the leakage should diminish?—I think it would rather diminish than increase, unless through some fissure in the work, which I see no reason to expect; but as the whole is done with Roman cement, any leakage will not be so likely to close as if the work had been done with common mortar.

330. Is not the work so constructed as to last for ages?—I think so, of the Tunnel.

331. And to suffer no injury except from some external accident, such as the fall of an anchor upon it?—I think the Tunnel part is constructed, so far as it has gone, so that it will stand for ages; and I do not apprehend that any danger would arise from an anchor falling upon it.

332. Then you consider it as an imperishable monument of the skill of the present day?—As far as it has gone I think it is a work of great skill, and that the works, as I have already said, are extremely well constructed. I do not think, when the words "imperishable monument of the skill of the present day" are used, that that is likely to be appreciated afterwards by those who have not had the

the opportunity that I have had of seeing the difficulties that there have been to encounter, because a tunnel under the Thames taken *per se* is no great thing unless one gets acquainted with the extreme difficulties that Mr. Brunel has had to overcome in making the Tunnel under the Thames. I think his shield is, to use the honourable Chairman's phrase, a monument of his genius.

333. Do you think we are likely to follow the example that has been set us, by Mr. Brunel, in facilitating the passage of other rivers?—I think the principal of his shield is very likely indeed to be applied to other tunnels of great difficulty.

334. Do you think that the Tunnel offers advantages beyond those of a bridge, or the steam ferry-boat in the passage of wide rivers?—I think in many cases it would.

335. In what cases?—In cases where it became necessary to cross rivers without the delay which is consequent upon waiting for the ferry-boat, and as it offers no interruption to navigation.

336. Would it have been possible, in this locality, to have placed a fixed bridge?—Speaking practically, I should say, no.

337. Would a steam ferry-boat have very much impeded the navigation?—When I am asked "very much" I answer, no; but it would have been an impediment to an extent. There is, as the Committee are aware, a passage-boat for carriages, at Greenwich, which is without steam. If it had been steam it would be even less an impediment than it is now.

338. The steam ferry-boat, in order to be of any use, in a great thoroughfare, must pass backwards and forwards every 10 minutes?—Yes, probably.

339. Do you suppose that a boat so rapidly passing as that would impede the navigation of the river?—If you suppose it to pass every 10 minutes, it would.

340. It would be in the way of the vessels that are working up?—Yes, so high up the river as the Thames Tunnel, it would.

341. Would it be equally convenient for passengers with a tunnel?—Not at all times, because there would be occasionally delay, which cannot exist in a tunnel. Suppose a passenger to come on one side, and the ferry-boat has just started, he would, if there were one boat only, have to wait until it had crossed the river and returned to him again; this would be a work of considerable delay, and if the number of passage-boats were increased, so as to prevent that delay, then the obstruction to the navigation would be increased in proportion. The disadvantage that I see in the Tunnel, as regards the communication, is having to descend to a considerable depth to pass through the Tunnel (of which the temperature may not at all times be very good), and to make the ascent again; but to persons whose time is valuable, the delay of that would be very small compared with the delay of a ferry-boat, particularly in a carriage or on horseback; foot passengers are not much delayed in crossing the River Thames, if they go to any of the regular stairs. I may here mention that I am not aware if objection has been raised by the Company to my estimate, but if I have under-estimated it in any way, they should make an addition to it now, so as at once to get money enough to finish the work, if they got any.

342. Is it your opinion that, as a national work, it ought to be completed?—Yes; I think the character of the country is a good deal embarked in it, and that, without reference to any matter of finance, which is not so much in my department as in that of the Honourable Committee, it would be a pity that the work should not be completed.

343. Mr. *Hawes.*] It appears by your estimate, that, added to the sum already expended, the Tunnel will cost about 550,000*l.* gross?—I do not know what money was expended before I was called in, but I suppose those figures are correct.

344. Is there any bridge that you know of, crossing a navigable river of equal depth and traffic with that of the Thames, which has cost so small a sum?—I cannot say of equal depth, because there is no bridge over the River Thames now of which the depth is so great as at Rotherhithe: the estimates of all the bridges were less.

345. Do you know any work establishing a communication between the shores of a navigable river of the same extent as the Thames that has been completed for that, or near that sum?—I cannot answer the question; Vauxhall Bridge is the only one I know the actual cost of.

346. You were the engineer of that bridge?—Yes.

James Walker, Esq.

7 July 1837.

347. Will you state the gross cost of it before it was used for public purposes?—I should say, with the roads approaching to it and purchases, perhaps 250,000*l.* to 260,000*l.*; that would be the gross cost—every thing; the bridge did not cost more than 120,000*l.*; a good deal of the money was spent there in beginning with a very expensive stone bridge, which was in part money lost.

348. You mean to say that, from first to last, not more than that has been expended?—I think not.

349. Are the circumstances at all parallel between the construction of a communication between the shores of the Thames at Vauxhall and between the shores of the Thames at Rotherhithe?—Not at all. The difficulties at Rotherhithe are very much greater; the depth is greater, the ground is worse, and, as I have already said, the construction of such a bridge below London Bridge would have been impossible, consistently with the convenience of navigation; I cannot think of exactly a parallel case at the moment.

350. The directors, I believe, furnished you at once with access to the works and their papers without any sort of restriction or hesitation?—Yes.

351. And upon that point you are perfectly satisfied?—Quite so; and their accounts and papers were kept with great detail; that department appeared as creditable to their secretary, Mr. Charlier, as the engineering part was to Mr. Brunel.

Mr. *Thomas Page*, called in; and further Examined.

Mr. *T. Page.*

352. *Chairman.*] YOU have delivered an opinion that it would be a most economical arrangement for completing the Tunnel to commence the excavation on the Middlesex side, when the proposed shaft for drainage has been made, and then to make progress at each end?—Yes.

353. What advantages would result from this proceeding?—Should the Tunnel be completed by that mode of proceeding a year sooner than by advancing from one end, there would accrue a saving to the company of above 10,000*l.* per year, consisting of the salaries of superintendents, the expense of keeping up the present establishment of clerks, the engine, and other works which must be paid for whether the Tunnel advances or not.

354. Did you deduce this from calculations?—Yes.

355. Will it be necessary for you then to increase the number of your workmen if you make progress at each end at the same time?—To a certain extent, not beyond that which would be necessary for making a progress of from 8 to 10 feet per week at one end; so that the whole number of workmen could, if required, be employed at one end, or, when circumstances required it, they could be divided, one division advancing from the Middlesex side and the other from the Surrey side; taking advantage at all times of working on the Surrey side, until we come to low water-mark, we might make then from 18 inches to 2 feet per week, on the Surrey side, and 6 feet per week on the Middlesex side, which is, I should say, a low estimate of progress.

356. What would be the price of a second shield?—It might be procured for 6,000*l.*

357. Would that consume a great part of the saving which you have stated?—Taking the saving at 10,000*l.* per year, there would be a surplus of 4,000*l.* a year in the superintendence, &c.; and if we could employ the men continually, either at one side or the other, we should then deduct very materially from the amount per foot which the Tunnel would cost, for the great cost of the Tunnel has been, not in making progress when we could advance at the rate of 4 feet per week, but during those times when we were not able to advance with the shield and could not employ the men profitably on other parts, as in the sinking of one of the shafts, for instance. It was also necessary to keep up a certain number of men for the safety of the works; and the miners, who are the most important body of men, are now reduced to that number.

358. Did you experience this difficulty on the southern part, which you have already completed?—The difficulties under which we are now labouring have taken place since December; before that we advanced at the rate of 4 feet per week for 15 weeks; it was in consequence of the water disrupting the ground that we have met with all this difficulty; the ground, if it could be kept free from water, is as good for the purpose of excavation as we would wish.

359. But

Mr. T. Page.
7 July 1837.

359. But you cannot keep it so free from water as you did keep that portion which you have already completed?—It is probable we have met with a spring which has disrupted the ground; and as the excavation of the Tunnel is at a level so much below that of any other works, it forms as it were a drain and receptacle for all the water in the neighbourhood. The great advantage which is proposed to be derived from sinking the small shaft at the Middlesex side is, that it would form a drain for the water instead of the Tunnel; and as the strata dip in that direction, that is, towards the proposed shaft, the water would be induced there sooner than to the Tunnel.

360. Are you acquainted with the circumstance mentioned by Mr. Brunel, that the pumps at the eastern entrance of the London Docks drain the wells in the neighbourhood?—Yes; when the pumps began working, the water gradually lowered until all the wells above the level of the pumps were dry.

361. Do you think their action affected your operations?—I think they did; they pumped the same kind of sulphuretted water that flows into the Tunnel, strongly impregnated with sulphuretted hydrogen; and the water at the London Docks had the same effect on the men that the water in the Tunnel has had on our men, causing sickness, headache and eruptions on the skin.

362. Is that your only reason for believing it affected your operations?—The pumping in the London Docks stopped in March, and we have had an increase of water since the pumping stopped; the wells also in the neighbourhood filled again; it was a fact so well known that compensation was applied for at the Dock office by many of the parties whose wells were drained.

363. Is the water in those wells to which you alluded impregnated with sulphuretted hydrogen?—I am not aware that it is; but there is evidently a spring of water existing which contains that gas. We have a quantity of hydrogen gas in the water, which now burns in the shield with great heat; that is hydrogen, not sulphuretted hydrogen.

364. At what depth were they working at the London Docks?—I think 15 or 16 feet above our excavation.

365. What is the distance from the front of the excavation to low water-mark?—At the average of low water-mark it is 204 feet, but at the Trinity low water-mark 219 feet, the average fall of the tide being 16 inches in perpendicular height below the point which is called Trinity low water-mark, and the tide sometimes runs out so far, that there is not more than 179 feet from our excavation to low water-mark.

366. Do you suppose that any change has taken place in the height of low water-mark?—It is supposed that the tides have run out lower since London Bridge has been removed; the fall of the tide is taken from the mean of 40 observations made at the London Docks by Captain Maughan.

Joseph John Sanders, called in; and Examined.

J. J. Sanders.

367. *Chairman.*] ARE you a waterman?—Yes.

368. How many years have you been a waterman?—Nearly 20 years.

369. Have you plied for hire at Church Stairs during those years?—Yes.

370. Is not that ferry within three minutes' walk of the Tunnel?—Yes.

371. What is your charge for each person?—A penny each.

372. What difference do you make in your charge if you carry more than one person?—It is 1*d.* each person, or 3d. for one.

373. And for two?—One penny halfpenny each.

374. So that you never cross under 3*d.*?—No, that is our legal fare.

375. How many persons do you carry to the opposite side of the river, on an average, each day?—About 10.

376. What are your average profits per week?—Eighteen shillings.

377. Do you know the ferry from Rotherhithe Stairs to Wapping Stairs, the ferry from King's Stairs to Execution Stairs, from Prince's Stairs to Wapping Stairs, from Elephant Stairs to King Henry's Stairs, from Church Stairs to New Crane Stairs, from Hanover Stairs to King James' Stairs, from the Surrey Canal Stairs to Pelican Stairs?—Yes.

378. Are not all those ferries within seven minutes' walk of the Tunnel?—Yes.

379. Are not Elephant Stairs, Prince's Stairs, Church Stairs, King's Stairs, Hanover Stairs, and Rotherhithe Stairs the principal ferries?—Yes.

380. Are they not all within three or four minutes' walk of the Tunnel?—Yes.

J. J. Sanders.

7 July 1837.

381. Have you a return of the number of watermen who ply for hire at the ferries near the Tunnel?—Yes.

382. What is the average earnings of each person per week?—About 18 *s.* per week.

383. Was this return made from data supplied to Pearce, a waterman, by the stewards of the ferries?—Yes.

384. Is he here?—Yes.

385. Will you put in that statement?—Yes.

[*The following Document was delivered in:*]

A STATEMENT showing the number of Watermen who ply for hire at the undermentioned places on the *Surrey* and *Middlesex* shores of the River Thames:—

SURREY.		MIDDLESEX.	
Rotherhithe Stairs	27	Wapping Stairs	30
King's ditto	30	Execution ditto	37
Prince's ditto	40	Wapping Dock	40
Elephant ditto	37	King Henry's Stairs	11
Church ditto	12	New Crane ditto	27
Hanover ditto	11	King James' ditto	30
Surrey Canal	27	Pelican ditto	11
	184		186

Surrey	184
Middlesex	186
TOTAL	370

July 6, 1837: Each of these persons' average earnings is 18 *s.* per week.
July 7: Two-thirds of the amount, viz. 12 *s.*, is earned by passengers crossing the river.

386. It seems, from that paper, there are 370 men plying daily between the ferries?—Yes.

387. Did each of these men take 10 over, on an average, each day?—Yes.

388. Then 10 times 370 would give 3,700 passengers, daily?—Yes.

389. Did all these persons either embark or land within 10 minutes' walk of the Tunnel?—Yes.

390. Mr. *Hawes.*] You state this of your own knowledge?—Yes.

391. *Chairman.*] Do not two-thirds of these persons go from and to Elephant and Prince's Stairs?—Yes.

392. Are these persons generally on their road to Greenwich, Deptford or Woolwich?—Yes.

393. Would not the Tunnel be nearer for them than the ferry?—Yes.

394. Are not the goods transported from the north to the south side of the river entirely conveyed by carts?—Entirely conveyed by carts.

395. Mr. *Hawes.*] Are none conveyed by water?—There are carts that continually come round to Deptford, Greenwich, and that way; the greater portion comes by land carriage.

396. *Chairman.*] What business is done on the Surrey side of the river from the London Docks?—Rums, grocery and other stores and luggage come to the other side.

397. From the West India Dock?—Yes.

398. Is there much land-carriage in coals from one side of the river to the other?—Yes.

399. Are the coals all landed on the northern shore?—Not all.

400. Then how came they to be carried from the northern shore to the south shore?—Any one who wants a ton or a ton and a half would have them carted round the bridge, frequently.

401. Is there much land-carriage in stone, timber, slate, ship's chandlery, biscuit, beer and spirits?—Yes, frequently; very much so indeed.

402. Is there not a continual line of carts by the water side on the south side of the river, principally employed in carrying goods from one side of the river to the other, and is not the road often blocked up?—Yes.

403. Would not the Tunnel save all those carts six miles distance each journey on an average?—Yes.

404. Mr. *Hawes.*] On what ground do you state that?—Allowing that they were

were to come direct from the opposite shore, they would come in a straight line for the Deptford and Greenwich Road, C——— Dock, Surrey Canal and East Country Dock. *J. J. Sanders.* 7 July 1837.

405. *Chairman.*] Do the steam-boats interfere very much with your ferry?—Very much.

406. Do they make it very dangerous?—Yes.

407. Mr. *Hawes.*] Is that obstruction increasing?—Yes, daily.

408. *Chairman.*] Has there been loss of life?—Not of late.

409. Have you had boats sunk?—Yes.

410. Lately?—The day before yesterday a boat was sunk.

411. Had you not more employment before the steam-boats began to ply?—Yes, twice as much.

412. Do you suppose that people are deterred trusting themselves on the river by reason of the steam-boats?—Yes; they would sooner walk round London Bridge than take water to cross direct to the opposite shore.

Caleb Pearce, called in; and Examined.

413. *Chairman.*] ARE you a waterman?—Yes. *Caleb Pearce.*

414. Have you heard the evidence given by Joseph John Sanders?—Yes.

415. Do you agree in what he states?—It is quite correct.

416. Where have you plied for hire?—At Church Stairs, close to the Tunnel.

417. Does the statement of Sanders include Sundays?—No.

418. What ferry is open on Sundays?—A ferry for the benefit of watermen's widows.

419. What is the name of the ferry?—The Sunday ferry.

420. Are all the ferries open on Sundays?—No, not all; this is a ferry that is about the largest on the River Thames.

421. Is it close to the Tunnel?—Within about two minutes' walk, close to the church.

422. Mr. *Hawes.*] Do not the steam-boats running to Gravesend and Greenwich very much interfere with this ferry?—They are sinking them very often, and they can only carry four persons now, where they used to carry eight formerly.

423. Your income from that source then is very much diminished?—Very much.

424. *Chairman.*] Are the other ferries closed on a Sunday?—There are very few stairs allowed to ferry on a Sunday; the Elephant Ferry, over to Execution Dock, is the principal, which is the largest ferry on the river, and the greatest quantity of people are taken there.

425. Have you made a calculation of the number of persons that cross in the course of the year?—I have been settled there for four Sundays, and I have taken over in those four Sundays about 220 to each side.

426. You could only speak to four Sundays, and four Sundays in fine weather?—We are stationed four Sundays at a time. It has been now purchased by different watermen.

427. Have you ever made any calculation of the number of persons that passed during the year?—No, I have not; only that I have taken over in one Sunday 220.

428. Do the other parties take the same number?—They do.

429. Have you any idea what number are carried by the watermen in winter time?—Sometimes four, and sometimes six of a day.

430. About what number does each waterman carry over in the course of a winter Sunday?—About 100.

431. If the Tunnel were done, do you think there would be great traffic through it?—There is not a doubt of it.

432. A very great number of persons now go round by London Bridge who wish to go to Greenwich?—Yes; you frequently have them come to the water-side, and, seeing the steam-boats, they go away; they will not venture; I had two ladies the other day that would not cross, in consequence of seeing a steam-boat.

433. Mr. *Hawes.*] What ferry is it that you are speaking of?—From Elephant Stairs to Execution Dock.

434. And at the other ferries are there a great many persons also who use them?—No; they might not have 20 or 30 passengers during the day.

Caleb Pearce.
7 July 1837.

435. That is the principal ferry?—Yes; there is not such a ferry on the river as that is.

436. If a roadway were made under the river there, do you think the traffic would be much increased?—There is not a doubt of that; as, for instance, if there be ice on the river, people are obliged to go round the bridges; whereas they might go underneath the Tunnel were it completed; that has continued as long as three weeks.

Joseph Charlier, Esq., called in; and further Examined.

Joseph Charlier, Esq.

437. *Chairman.*] HAVE you heard the evidence of the two last witnesses?—I have.

438. Have you made a calculation founded upon the data that they have given?—I have; their evidence was, that each waterman earned 18 *s.* per week; there being 370 watermen, that would yield annually 17,316 *l.*, not including Sundays.

439. Do you wish to make any remark on the evidence which you gave yesterday?—With reference to my evidence of yesterday, and to that part of the evidence relating to the steps which were taken by the directors for bringing before Government the subject of expenditure compared with the estimate, I omitted to read the accompanying letter addressed to only one of the directors, and which led to the special meeting of a Finance Committee to which I alluded:—"Tuesday, March 21st, 1837. Dear Sir,—I have reason to think that it is absolutely necessary that we should again carefully and accurately examine our estimate, and report our opinions faithfully to the Treasury. The Treasury has hitherto placed confidence in the directors, a feeling which must not be trifled with on any consideration; and the directors must now, I think, satisfy themselves, that on comparing our past expenditure from the commencement of the horizontal shaft to the present point at which we have arrived, that the average estimate per foot may be still relied upon. The remainder of the horizontal shaft was to cost 110,000 *l.*, together with additions for various prospective and precautionary measures, which have not, I believe, been adopted; the gross estimate, therefore, should be finally compared with the gross expenditure; and that comparison, together with the opinions of the board, both as directors of the Company for the proprietors, and as honourable men entrusted with the public money by the Government, should be in a state to submit to the Treasury whenever it may be necessary. I hope the board will take this subject into consideration. I remain, dear sir, yours, &c. (signed) *B. Hawes*, jun."

Marc Isambard Brunel, Esq., called in; and further Examined.

Marc I. Brunel, Esq.

440. Mr. *Hawes.*] YOU intend to turn the great descents to some useful purpose?—Yes.

441. Will you state to the Committee the purpose to which you intend to apply them?—The under part may be made in arches and cellars, and the upper part in warehouses.

442. The frontage to the roads, also, which is now the property of the Company, would become valuable, would it not?—Of very great value.

443. Do you happen to know the sum that has been expended in land for the works?—Nearly 30,000 *l.*

444. Such purchase would of course be materially enhanced in value by the completion of the work?—Yes, on both sides of the river.

REPORT

FROM THE

SELECT COMMITTEE

ON THE

THAMES TUNNEL;

WITH THE

MINUTES OF EVIDENCE.

Ordered, by The House of Commons, *to be Printed,*
10 *July* 1837.

499.

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REPORT

FROM THE

SELECT COMMITTEE

ON

TURNPIKE ROADS, IRELAND;

TOGETHER WITH THE

MINUTES OF EVIDENCE,

AND APPENDIX.

Ordered, by The House of Commons, *to be Printed,*
6 *July* 1837.

[*Price* 10 *d.*]

484.

Martis, 6° die Junii, 1837.

Ordered, THAT a Select Committee be appointed to inquire into the Monopoly enjoyed by Persons in Ireland on certain Roads there; how far the said Monopoly is consistent with Law, the Convenience of Travellers, and the Revenue of the Post Office; also, into the best Mode of removing the said Monopoly, keeping in view the Rights of Private Parties (if any).

And a Committee was appointed of,—

Mr. Wallace.
Lord Viscount Clements.
Sir Henry Parnell.
Sir Charles Coote.
Mr. Smith O'Brien.
Sir Robert Ferguson.
Mr. Hamilton.
Sir Richard Musgrave.
Mr. Christopher Fitzsimon.
Mr. Morgan O'Connell.
Mr. Vesey.
Mr. George Evans.
Mr. Longfield.
Mr. Lowther Chapman.
Mr. Callaghan.

Ordered, THAT Five be the Quorum of the Committee.

Jovis, 6° die Julii, 1837.

Ordered, THAT the Committee have power to report their Observations, together with the Minutes of the Evidence taken before them from time to time, to The House.

PROCEEDINGS OF THE COMMITTEE.

Jovis, 8° die Junii, 1837.

Present,

Mr. S. O'Brien.
Mr. Wallace.
Mr. Evans.
Mr. Fitzsimon.
Sir R. Ferguson.
Mr. Hamilton.
Sir H. Parnell.

Mr. Wallace was called to the Chair.

Committee deliberated on the course of proceeding.

Adjourned till Tuesday.

Lunæ, 3 die Julii, 1837.

Present,

Mr. Wallace in the Chair.

Sir C. Coote.
Mr. M. O'Connell.
Mr. G. Evans.
Mr. Hamilton.

Report read;—considered, amended and agreed to.

Ordered, To Report.

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MINUTES OF EVIDENCE - - - - - - - p. 9
APPENDIX - - - - - - - - - - p. 37

REPORT.

THE SELECT COMMITTEE appointed to inquire into the MONOPOLY enjoyed by Persons in *Ireland*, on certain ROADS there; how far the said Monopoly is consistent with Law, the Convenience of Travellers, and the Revenue of the Post-office; also, into the best Mode of removing the said Monopoly, keeping in view the Rights of Private Parties (if any); and to whom a Petition from Limerick was referred; and who were empowered to report their Observations, together with the MINUTES of the EVIDENCE taken before them, to THE HOUSE:—HAVE considered the Matters to them referred, and agreed to the following REPORT.

IT appears manifest, from Documentary Evidence and ample Reports* relating to the Turnpike Roads between Dublin and Kilcullen, Naas and Limerick, Dublin and Ashbourne, and between Cork and Kilworth Mountain, that tolls of an unusual character are exigible on these Roads. Sir H. Parnell, 8.

It appears to Your Committee, that the convenience of travellers has been impeded, and the intercourse of the public greatly interfered with, by the monopoly so effectually established by Messrs. Bourne & Taylor between Limerick and Dublin; and that complaints have been made for many years past of the injurious and oppressive effects of the tolls allowed to be levied upon these roads. Sir H. Parnell, 11. Sir H. Parnell, 12. 17. 22. Mr. Taylor, 100. Mr. Purcell. Sir H. Parnell, 9, 10.

The origin of the evil complained of, as regards the Naas and Limerick road, was an Act of the Irish Parliament, passed in the year 1793, inflicting a penalty of 5 *s.* on each horse attached to carriages plying for hire, under certain conditions therein specified.

In the Petition presented by Messrs. Anderson & Bourne to the Irish Parliament in 1793, they ask for the same rate of tolls only as are payable "on the northern and other roads at that time."

The following is a copy of that Petition, as taken from the Journals of the Irish House of Commons: page 209.

20 June 1793.—A PETITION of John Anderson, of the city of Cork, merchant, and William Bourne, of the city of Dublin, gent., was presented to The House, and read, setting forth, That in the year 1791 the Petitioners contracted to convey His Majesty's Mails by Coaches between Dublin and Limerick. That, from the extreme bad condition of the Road between Naas and Limerick, they have been compelled to lend upwards of 2,000 *l.* to have some of it made passable, a large part of which sum they have not a probability to ever receive. That, to avoid part of one stage, the Mail-Coach has been, and is, obliged to go near three miles about; and that if a general and effectual repair does not precede the winter, they conceive the public must be deprived of the benefit of the Mail-Coach Establishment, and that the Petitioners must sustain great loss. That the present line of Road

IS

* Especial attention should be given to the whole of the very complete and valuable Report made by a Select Committee in 1832, of which Mr. More O'Ferrall was chairman.

is in general narrow, hilly and circuitous; that, in several instances, a considerable reduction of distance might be effected by making a New Road between one town and another, and by taking off angles, by which most if not all the hills would be avoided. That the Petitioners believe the sum of 27,000 *l.* would be requisite to make the necessary and proposed improvements, which sum the Petitioners, involved as they are, and seeing no other prospect of being extricated, would lend to such persons as might be appointed, on being properly secured, or would advance, and, under the penalty of 20,000 *l.*, covenant within four years to make such New Roads as upon survey should be deemed necessary, and repair and put into complete order such Old Road as should be continued of the line, and would keep the entire line of road from Naas to Maryborough and Ballyroan, and from Maryborough to Limerick, in perfect repair for 30 years, upon having the Tolls made equal to those on part of the Northern and other Roads, and assigned to the Petitioners for the term of their agreement; and therefore praying that a Bill may be brought in for the said purpose.

The Petition was referred to the consideration of a Committee, who reported, by the Hon. Mr. Perry, resolutions as follow:

Resolved, That it appears to this Committee that the petitioners have fully proved the allegations of their petition. Resolved, That it is the opinion of this Committee that the petitioners deserve the aid of Parliament. And thereupon it was Ordered, That the Bill be brought in by the Hon. Mr. Perry and Mr. Solicitor General.

Sir H. Parnell, 22.

This Act, founded on the foregoing Petition, granted a lease of the roads and tolls for 30 years from that date, on certain conditions therein specified as to upholding the roads.

In this Act a power was given to levy a penalty of 5 *s.* a horse on every coach on the roads from Dublin to Limerick, provided the passengers therein exceeded nine in number, being similar to an enactment obtained by influential persons near Limerick to protect the monopoly of carrying passengers to Dublin by the canal, against the competition of a long coach or omnibus, introduced even in these days to carry 16 or 18 passengers at a cheap rate.

Sir H. Parnell, 25. Mr. F. Bourne, 251. 255. 257.

In terms of the petition on which the Act was framed granting the lease of the tolls from Naas to Limerick, the payments to be made were to be the same as those on the northern and other roads. No five shilling penalty ever did apply to the northern roads, nor was it ever attempted to apply the additional 4 *d.* to these roads; therefore it would appear that the protection to the public held out in the petition of Messrs. Anderson and Bourne had been infringed for their benefit and to the disadvantage of the public.

In 1798 a Bill was brought into the Irish House of Commons for making and repairing the road from Dublin to Kilcullen Bridge, and to the 21st milestone westward of the said bridge. It was presented as a Public Bill by Mr. Wolfe. THE ORIGINAL TITLE was,

"To explain and reduce into one Act the several laws for making and repairing the Turnpike Road leading from the City of Dublin to Kilcullen Bridge in the County of Kildare, and to the 21st Milestone westward of the said Bridge;" and to this the public may be supposed to have assented.

Irish Journals, vol. xvii., p. 355 to 372.

The progress of the Bill was as follows:

Read first time 23 July 1798.

Read second time and committed, 27 July.

Order

Order to receive clauses, 30 July.

In committee, ib.

Reported with amendments, 31 July.

Read third time, 25 August.

Amended at the table, and title altered, 25 August.

Passed, ib.

Sent to Lords, ib.

Agreed to by ditto, 30 August.

Thus it will be seen that in the original title of this Bill, and which fairly may be held to be the only true and proper one, no mention whatever is made of the extension of the period covenanted for by the Act of 1793.

The said Bill was read a second time and committed, without any mention whatever of said extension.

The Committee was then empowered to receive certain clauses, which clauses contain the prolongation of the Act of 1793 for 20 years longer, making the term 50 in place of 30 years, while 25 years of the 30 years' Act had yet to run. The power given was,

"To receive a clause or clauses for prolonging the duration of the Act for repairing the Limerick Road to the same period with the said Bill; also a clause or clauses for the further improvement of the road, from the bounds of the county of Cork at Kilworth Mountain, to the city of Cork."

At the Third Reading of the Bill, the original title was changed into the following NEW TITLE:

"To explain and reduce into one Act the several laws for making and repairing the Turnpike Road leading from the City of Dublin to Kilcullen Bridge in the County of Kildare, and to the 21st Milestone westward of the said Bridge; and for prolonging the duration of the Act for repairing the Road from Naas to Limerick; and for the further improvement of the Road from Kilworth Mountain to the City of Cork."

Which title now heads the Act.

These suspicious facts tend to prove that the prolongation and extraordinary pains and penalties of the Act could not have been known to the large body of the people to be affected by it.

The Act in 1798 was passed during the rebellion in Ireland, without any amelioration or diminution of the heavy tolls or enormous and inoperative penalties authorized by the then existing Act, or any benefit conferred on the public in consideration of the many advantages derived by the lessees from the extension of their monopoly from 30 to 50 years, of which Your Committee has been made cognizant by the evidence taken before them or before previous Committees.

See Report in 1832 and Communication from Sir E. Lees, 1832.

In 1810 the extraordinary Act above alluded to, which empowered the exaction of a penalty of 5 *s.* a horse for even one passenger, in addition to nine, (being the whole number of passengers thereby allowed to be carried outside and inside inclusive,) or the penalty of 40 *s.* daily at each gate, amounting, as it

Sir H. Parnell, 21.

it would do, to 60 *l.* sterling daily, payable at the 15 gates, which at one time were between the cities of Dublin and Limerick, was repealed.

Mr. Taylor, 305. Sir H. Parnell, 22. Mr. F. Bourne, 236. Mr. Taylor, 111.

Sir H. Parnell, 22.

See Sir Edward Lee's Report.

In 1811 a Bill was passed at the instigation of the Messrs. Taylor, re-enacting the penalty of 5*s.* per horse which had been repealed the year before; and in the very same session another Act was passed, again repealing the penalty of 5*s.* per horse, and substituting the penalty of 4*d.* per horse additional toll on horses drawing carriages for hire, on the pretext that the repeal of all penalty would act injuriously on the funds of the road. It should be here observed that the penalties above referred to were never exacted on horses drawing post-chaises for hire; they were and are confined to stage and mail-coaches, whereby the lessees, who are stage proprietors and mail contractors, have maintained, and do maintain, a monopoly of the carriage of passengers by *one Coach and one Mail* between the great cities of Dublin and Limerick, to the exclusion of all competition.

Sir H. Parnell, 10. Mr. Taylor, 113. Mr. F. Bourne, 248. 252. 253. Mr. Purcell. Sir E. Lees, 48. Mr. Taylor, 316. 319.

It appears to Your Committee a gratuitous and unfounded allegation, that repealing the 5*s.* penalty had acted injuriously on the funds of these roads, because the 5*s.* penalty had been virtually a dead-letter law, as to revenue, being so enormous as never to have been levied, or in any way beneficial, unless to protect the monopoly, and never could nor ever did apply to mail-coaches.

Mr. Taylor, 321.

Mr. R. Bourne, 385.

Mr. Taylor, 80. 89.

No revenue appears to have been or is at present actually collected by Messrs. Taylor from any description of carriage under either Act, while the Messrs. Bourne run their stage-coaches and mail-coaches constantly along that road without the lessees enforcing the payment of this additional 4*d.*, although they (the Messrs. Bourne) demand and charge the 4*d.* under the very same law against any kind of carriage plying for hire on their own road*.

Messrs. Bourne being proprietors of stage-coaches, as well as lessees of the road from Naas to Limerick, the right to charge an additional toll of 4 *d.* a horse has virtually given them a complete monopoly of the coach business on this road.

In consequence of this monopoly they became and continued the unopposed contractors for conveying the mail between the cities of Dublin and Limerick.

Mr. F. Bourne, 265 to 272.

The Messrs. Bourne became indebted to Government for a considerable sum of money, against which they charged, as a set-off, the 4*d.* additional toll on every horse drawing mail-coaches along the line of road they held as lessees and mail-coach contractors.

This claim was always resisted by the Postmasters-General and Post-offices of Ireland and England, but at last was submitted to by the Treasury in 1835, on the showing of the opinions of counsel taken by Messrs. Bourne; but the Messrs. Taylor have never succeeded in enforcing a similar claim, although fortified by numerous legal opinions.

Mr. Taylor, 83. Mr. F. Bourne, 274, 275.

The liability of mail-coaches to the payment of tolls in Ireland commenced in 1790, and depended on Acts passed for one year only, for the exaction of Post-office taxes; and was never sanctioned, until the Act of 1793, by any other than an annual Act. The toll was imposed on the plea of bad roads, and

* The Committee think it right to observe that since the above was drawn up, Mr. F. Bourne has stated that he did actually pay the 4*d.* for a time, and ceased paying it in consequence of a private arrangement with Messrs. Taylor.

and the Act, being passed yearly, was liable to cease whenever the cause was removed which brought it into existence. In this view of the matter, no contractor or lessee had a right to calculate on the permanence of the tolls, or find fault with their removal.

The revenue of the Post-office has been deeply affected by the monopoly of the Messrs. Bourne; for, in addition to the penal toll of 4*d.* per horse, they have received 1,085*l.* 17*s.* 6*d.* yearly for carrying the mail between Dublin and Limerick. The latter sum has been saved to the public on the contract commencing on the 5th of July current; for the Messrs. Bourne have agreed to carry the mail without any remuneration whatever from the Post-office, rather than allow a new contractor to establish himself on the road. This likewise proves the effect of this monopoly to the public.

Mr. O'Ferrall.

See Letter from General Post-office, in Appendix, No. 7.

Mr. F. Bourne, 202.

Reports furnished to Your Committee by Sir Edward Lees, at present Secretary to the Post-office of Scotland, and who filled that department in the Irish Post-office previous to its consolidation with that of England, having been of essential service to Your Committee, and having saved them very considerable labour and time, and certainly much expense to the public, in bringing their investigation to a close, Your Committee conceive themselves bound to express their approbation of the ability and zeal displayed by Sir Edward Lees in this matter while Secretary to the Irish Post-office, and of the praiseworthy continuance of the interest he took in the economical management of that department even after his removal from it to Scotland, and which conduct appears to Your Committee so proper in an officer holding the high and responsible situation which he filled during so many years in the Post-office of Dublin. These Reports appear to contain the opinions he held and endeavoured to enforce while Secretary to the Post-office in Ireland, as to the non-liability of mail-coaches to pay any penal or additional tolls whatever; and Your Committee have ordered them to be printed in full, as valuable and convincing documents, which Your Committee can confidently recommend to the especial attention of The House and the Government, as affording strong grounds, as Your Committee conceive, for the immediate adoption of the recommendations they have felt it to be their duty to submit.

Your Committee having carefully considered the Documentary Evidence laid before them, and evidence given by the witnesses, are of opinion,

That it appears to Your Committee no just right exists to levy tolls on more than two divisions of the road between Kilcullen and Dublin, and on nine divisions of the road from Naas to Limerick; and, further, that additional gates on these roads, erected for the convenience or security of the lessees, does not warrant any additional charge for a passage through, even although a change of horses may take place, or additional gates be erected, it being evident from the Act that a certain amount only should be levied as a whole on each line of road, to increase which, under any pretext, does not appear to be justified by the spirit of the Act; and that this view of the case and rule is applicable to carriages of every description.

Mr. Taylor, 122. Mr. F. Bourne, 214 to 230. 360.

Mr. Taylor, 123, 124.

Mr. Taylor, 129.

Mr. F. Bourne, 282 to 287.

That penalties acting as prohibitions on the use of stage-coaches on Turnpike Roads, are highly inexpedient and detrimental.

That the 4*d.* additional toll has been a dead letter as regards Messrs. Taylor, and equally so as regards Messrs. Bourne, with the exception of its being a protection

Mr. Taylor, 81. 311.

a protection to their monopoly and paid by the Post-office, under an order from the Treasury, on legal advice obtained by the private parties on an *ex parte* case, and therefore should be put an end to.

Your Committee therefore recommend that the monopoly enjoyed by the Messrs. Bourne should be done away with as soon as possible.

1. Because it is highly injurious to, and subversive of, a free intercourse between Dublin and Limerick, and would have been at an end so long ago as in the year 1823; so that the lessees have already enjoyed all the large profits arising from the extension beyond the period contemplated by the original Act, being now no less than about 14 years.

2. Because no satisfactory grounds have been made appear for the Act of 1811, which granted the 4*d.* additional toll; that the said Act has been virtually nearly inoperative against everything but mail-coaches, for its application to which Your Committee see no good reason whatsoever, and therefore recommend its being repealed; and that care be taken that it shall not be permitted to affect the second mail from Dublin to Limerick, and the districts branching from or connected with that portion of the country, when the benefits of frequent and uninterrupted conveyance of mails by the Railway from Birmingham to Liverpool are communicated to Ireland, as they have already been to the North of England and the whole of Scotland.

That the Post-office should discontinue the payment of the additional 4*d.* per horse, until the whole case has been submitted to a thorough and searching inquiry.

That Your Committee are so strongly impressed with the necessity of putting an end to the monopolies of roads and tolls from Dublin to Kilcullen, from Naas to Limerick, from Dublin to Ashbourne, and from Cork to Kilworth Mountain, as to induce them to recommend that the whole case on the part of the Public, the Post-office and the Treasury should be left to the decision of a competent tribunal with as little delay as possible; and that compensation should be made to the parties, as that tribunal shall adjudicate, previous to the repeal of the Acts under which they respectively hold their interests.

6 *July* 1837.

MINUTES OF EVIDENCE.

LIST OF WITNESSES.

Martis, 13° *die Junii*, 1837.

Sir Henry Parnell, Bart. - - - p. 9
Sir Edward Lees - - - - p. 11

Lunæ, 19° *die Junii*, 1837.

Sir Edward Lees - - - - p. 12
Mr. George Taylor - - - - p. 13

Veneris, 23° *die Junii*, 1837.

Mr. George Taylor - - - - p. 18
Mr. Frederick Bourne - - - p. 23

Lunæ, 26° *die Junii*, 1837.

Mr. Frederick Bourne - - - p. 24
Mr. George Taylor - - - - p. 31

Jovis, 29° *die Junii*, 1837.

Mr. Richard Bourne - - - p. 32
Mr. Frederick Bourne - - - p. 33

Martis, 13° *die Junii*, 1837.

MEMBERS PRESENT.

Mr. Callaghan.
Sir Charles Coote.
Mr. George Evans.
Mr. Christopher Fitzsimon.
Mr. Longfield.
Sir R. Musgrave.
Sir Henry Parnell.
Mr. Vesey.
Mr. Wallace.

ROBERT WALLACE, Esq., IN THE CHAIR.

Sir *Henry Parnell*, Bart., a Member of the Committee, Examined.

Sir *H. Parnell*, Bart. M.P.

13 June 1837.

1. *Chairman.*] YOU were for many years a Member for Queen's County?—Yes.

2. Does the road from Dublin to Naas pass through it?—Yes.

3. And does the road from Naas to Limerick pass through that county?—Yes.

4. You are aware that the lessees of that road and of the tolls thereon hold under an Act of Parliament, and the original Act of Parliament empowered them to levy a toll of 5 *s.* a horse on all horses drawing carriages for hire?—That is if they carried more than three outside passengers.

5. Are you aware of that Act having been repealed?—It was repealed about the year 1810 or 1811 by a Bill brought in by Mr. Cooper, member for Sligo.

6. Was it re-enacted or modified?—This Act was repealed the following year, I believe.

7. Was there another Act in its stead?—Another Act was brought in, giving, in place of the 5 *s.* for a horse, a power to levy a toll of 4 *d.* a horse drawing all stage coaches, without reference to the number of passengers.

8. That 4 *d.* is in addition to the usual rate of tolls?—It is. I consider that the usual rate of tolls on that road is about 6 *d.* a horse drawing a carriage on springs, every seven Irish miles; and for a stage coach, therefore, with four horses, passing both ways, it will be 4 *s.* a day for the seven miles; then, 4 *d.* a horse additional would be 2 *s.* 8 *d.* more; that is, the total would be 6 *s.* 8 *d.* for seven miles, which is nearly 1 *s.* a mile that Mr. Bourne has now a right to levy.

9. Has this rate of toll had the effect of giving a monopoly to the lessees of conveying passengers along that road?—There never has been a stage coach on that road belonging to any other person than Mr. Bourne, as far as I recollect.

10. Has this great amount of toll levied there improved the road more than others in Ireland?—The amount of toll actually levied is the old toll of 6 *d.* a horse, for nobody has ever set up a coach, and made himself liable to pay this high additional toll of 5 *s.* a horse, or 4 *d.* a horse; so that the revenue of the road is nothing

Sir *H. Parnell*, Bart. M.P.

13 June 1837.

more than what would be derived from a fair toll; and as to the state of the road, it is certainly not by any means in a bad state. I consider the state of that road to be better than the state of any turnpike road I know in Ireland; and the complaint to be made against this arrangement with Mr. Bourne is not on account of the condition of the road so much as on account of the restriction of coach travelling by these extra tolls: so that he, being lessee of the road, and at the same time coach proprietor, it gives him a positive monopoly, and it is the prohibition of the use of stage-coach conveyance upon that long distance between Dublin and Limerick, and all those large towns situated in the counties of Clare and Kerry, and others connected with Limerick.

11. Has this monopoly been felt as an inconvenience in the Queen's County?—It is a very great inconvenience; not that the fares are very high; they are kept down in some degree by the canal and other modes of travelling; but with regard to the carrying of parcels it is particularly inconvenient, and it is hardly possible to get a common parcel down from Dublin with any certainty, and the charges on them are very exorbitant.

12. The monopoly has prevented competition, you have already said, of stage-coaches?—There is but one direct stage-coach between Dublin and Limerick, besides the mail-coach; so that it is quite palpable to what an extent this present state of the law must interfere with public convenience and public prosperity, so much depending on the facilities and opportunities of constant communication.

13. Have there been any side-gates erected on this line of road, to the inconvenience of the public?—I do not believe it has been carried to any improper extent. There are great complaints, and very frequently erroneous complaints, but it has never occurred to me to hear any instance in which Mr. Bourne has improperly exercised the power of putting up gates.

14. Mr. *Vesey.*] Do you know that road that passes from the high Limerick road to Ballyroan?—That is part of Mr. Bourne's road.

15. Can you say in what state that road is generally kept?—That part of the road is not so good as the other part; the main line to Limerick.

16. Have you not heard that there are generally great complaints of the mode in which Mr. Bourne keeps that road?—I have heard great complaints of that branch; and I may make the state of that road an exception to what I said before as to the main road between Naas and Limerick.

17. Are there any side-gates there?—No; this road to Ballyroan is in point of fact part of the shortest road from Dublin to Cork; but in order to avoid those tolls of Mr. Bourne between Naas and Ballyroan, the Cork mail-coach is sent round through Strabally and Athy, which is a circuit of three or four miles.

18. *Chairman.*] The contractor for the mails finds it better to go round four miles than pay the tolls?—That is the way it stands.

19. Have you paid sufficient attention to the Irish Acts, and the Acts of Parliament passed since the Union, to enable you to judge whether there is a legal right in the Messrs. Bournes to exact the additional 4 *d.* a horse now?—I think there is no dispute, no doubt about the right to exact it.

20. Mr. *Callaghan.*] Are they obliged to show to any justices or anybody, by any account, that they have expended money on the roads?—They never do.

21. *Chairman.*] Do you conceive these gentlemen would have a right to compensation, provided a Bill were brought in, or an Act passed, repealing the Act passed in the year 1811?—With regard to the 5 *s.* a horse where more than three passengers were carried outside, it appears to me quite manifest that it is a mere penalty; it is just the same as if it had been 10 *l.* or 20 *l.* for carrying more than three passengers. In this case it was thought proper to make penalties of so much a horse, instead of so many pounds sterling; therefore, in point of principle, and in point of fact, it never was given in the nature of a toll to create a revenue, on which a claim of compensation could be founded; and then, as, in point of fact, it never has been paid, and it is out of the nature of things that it could be, from the amount of it (5 *s.* a horse would be 2 *l.* a day on each gate), it is contrary to every thing like common sense to entertain for a single moment the idea of compensation for taking away such a toll as that. And in regard to the toll of 4 *d.* a horse, though that is not connected with the conditions of carrying passengers, that has never been paid by anybody; it is out of the nature of things it ever should be paid. No coach proprietor could live by his trade if he did pay it; and therefore it appears to me there is not the slightest ground for entertaining the question of compensation to Mr. Bourne, if the Legislature thinks proper to confer on the public

public the benefit of relieving it from the existing restrictions on stage-coach conveyances.

Sir *C. Cornell*, Bart. M.P.

13 June 1837.

22. Mr. *C. Fitzsimon.*] Do you look on the 4 *d.* a horse in the same light as the 5 *s.*, as a species of penalty?—No; it has no reference to the number of passengers; I never could understand why it was imposed; it seemed to me the most arrant sacrifice of the public interests ever committed by the Legislature, the imposing that toll on coaches travelling on that road, without any kind of equivalent received of any sort whatsoever in return. It was just purely giving to Mr. Bourne, by that toll, a monopoly; and I am quite satisfied that his influence on persons who then had influence in passing measures through Parliament was directed to that sole object; and he succeeded in getting a monopoly, to the great prejudice of the public, without conferring, in return, any kind of consideration. In the original Act of all, where he got the road and the tolls, there was a fai bargain: he got the toll in consideration of keeping the road in repair; those were not very high tolls, nobody objected to pay them; but this 4 *d.* a horse is quite another thing; it was an invention to give him a monopoly; it has succeeded, and the whole country has been suffering under that unjustifiable act of the Legislature.

23. *Chairman.*] If I understand you rightly, then, you would not consider it to be an act of injustice towards the lessee of these roads that a Bill should be brought in with a view of doing away with this additional toll of 4 *d.* a horse?—No; I consider it would not be an act of injustice to Mr. Bourne, but I think it an act of the grossest injustice to the public to continue this additional toll a moment longer in existence.

24. Sir *C. Coote.*] It is merely on public carriages, this 4 *d.* a horse, not on private travelling?—It is only on stage-coaches.

25. *Chairman.*] Do you know anything of the origin of this penalty of 5 *s.* a horse?—The common report is, that that toll of 5 *s.* the horse for carrying an extra number of outside passengers, originated with persons connected with the canal between Dublin and Monasterevan; this penalty was imposed to keep as many people as possible travelling by their boats, and I believe myself that there is some foundation for that report.

26. So that, in point of fact, it was not granted with a view of giving a revenue, but for a different object from any connected with the road?—I think myself it is impossible, from the amount of toll, 5 *s.* a horse, that any revenue could be in contemplation. At the same time I think it may be accounted for, as a means of giving a preference to the canal.

27. Mr. *C. Fitzsimon.*] Is it over and above the common toll, this 5 *s.*?—Yes, it is additional; the regular toll is 6 *d.* a horse.

Sir *Edward Lees*, called in; and Examined.

Sir *Edward Lees.*

28. *Chairman.*] YOU were a long time Secretary to the Post-office in Ireland?—Thirty-one years.

29. During that period there were a great many discussions, and a considerable correspondence about certain roads in Ireland, let for a period of years to Messrs. Bourne, Taylor, and Briscoe, in which you were engaged; you perhaps conducted that correspondence chiefly yourself?—There were various discussions on the subject of the roads of which the Messrs. Bourne were lessees, from Naas to Limerick, and from Dublin to Kilcullen, of which the Messrs. Taylor were lessees; but the intervening link of road, of which Mr. Briscoe is the lessee, did not at any time come under discussion or correspondence.

30. Which you conducted, you mean?—In no way was it referred to the Post-office, nor did they discuss it; nor was it necessary, for no claim was made on that part of the line.

31. Did you conduct the correspondence as to the two roads between Limerick and Naas?—The letters transmitted from the Post-office to Government in 1811, on the first prosecution of the claim set up by the Messrs. Bourne, these two letters were under my signature to the Chief Secretary of Ireland, remonstrating against this claim, and stating the reasons which induced the postmaster-general to dissent from the principle of the claim.

32. Made by the Messrs. Bourne and the Messrs. Taylor?—The Messrs. Taylor made no sort of claim.

Sir *Edward Lees.*
13 June 1837.

33. Did you furnish the Treasury with a Report on the subject of the roads, in 1832?—Yes; the then secretary of the Treasury, Mr. Rice, wrote to me, upon Messrs. Bourne making a claim of the same nature, renewing then the claims they had made 20 years before.

34. Have you any means of furnishing the Committee with a copy of that document?—Not at this moment; I sent it direct to Mr. Rice at that period; and in 1836 I prepared another statement, embracing that, and also containing such other observations as were suggested to me by the perusal of the Report made to the Committee of the House, of which Mr. More O'Ferrall was chairman.

35. That Report you sent also to the Chancellor of the Exchequer?—To the Treasury.

36. It appears that that Report cannot be found; can you prepare a copy of it, or nearly so, from documents you possess?—I can, in a very few days.

37. You have reason to believe it is in the Post-office?—That is my impression.

38. If the original cannot be found, you have materials from which you can give a copy of that Report for this Committee?—I certainly can.

39. Sir *H. Parnell.*] Does that embrace the whole subject, that is, preceding the year 1832, as well as subsequently?—1832 and 1836; as far as the three roads go, the Taylors' road, the Bournes' road, and the Briscoes' road are concerned.

40. *Chairman.*] The Report you made in 1836 contains extracts from the Acts of Parliament relating to these roads?—Yes, extracts were appended of different Acts which bore upon it, on which I founded that Report, and on which I made my observations.

41. Can you furnish copies of those extracts at the same time with the Report?—I can.

Chairman.] Please do so.

Lunæ, 19° die Junii, 1837.

MEMBERS PRESENT.

Mr. S. O'Brien.	Mr. M. O'Connell.
Sir C. Coote.	Mr. Vesey.
Mr. Evans.	Mr. Wallace.
Mr. C. Fitzsimon.	

ROBERT WALLACE, Esq., IN THE CHAIR.

Sir *Edward Lees*, called in; and Examined.

Sir *Edward Lees.*
19 June 1837.

42. *Chairman.*] YOU were requested to furnish this Committee with a copy of the report you had made to the Treasury in 1836, from such documents as you possessed and had access to, and also to see it corrected and printed for the use of the House of Commons; have you done so?—I have done so.

43. Is this paper, which I now hand you a copy of, the report so made [*handing to the Witness a document*]—intituled "Report made by Sir Edward Lees to the Lords Commissioners of the Treasury, relative to the claims made by Messrs. Bourne, lessees of the Limerick turnpike road, and of the claims made by Messrs. Taylor, lessees of the Kilcullen turnpike road, for arrears of tolls alleged to have been withheld from them by the Post-office Department in Ireland?" (*Vide* Appendix.)—That is a printed copy of the manuscript sent to the King's printer by order of the Committee.

44. Is your name attached to it?—My name is attached to it.

45. Is that an authentic document, as near as you could make it, of the Report sent to the Treasury in the year 1836?—I can safely deliver it as a most correct copy of the substance; it is not *verbatim* the same paper, but I may say it is in substance the same paper, only having omitted the repetitions and the tautology which is always found in a paper drawn up by a professional man; the original document was drawn by a professional gentleman in Edinburgh. I can say that this

Sir *Edward Lees.*

19 June 1837.

this is the same paper, merely rejecting the sort of repetition which is always found in papers drawn by gentlemen of that description. There is no assertion in this paper which is not in the original, nor is there anything in the original which is not to be found in this.

46. You drew up the report from the information you possessed, documentary and personal, as secretary to the Post-office for Ireland?—Yes.

47. Be so good as to inform the Committee of the nature of the report sent to the Treasury in 1832?—The report of 1832 is embodied in this report now before the Committee; and my own opinion is, that really, unless to satisfy the Committee of that important assertion which is therein contained, and to which reference is made in this report, I say it will be of little service. There is one important observation there made on which I greatly rely for supporting the opinions stated in this.

48. Be so good as to state to the Committee what you now allude to?—The assertion I allude to is, that in 1811, when the Messrs. Bourne first made their demand against the Post-office in Ireland for the 4*d.* per horse additional toll-duty, which they claimed under the statute of 1811, that at that period the late Major Taylor and the late John Anderson, Esq., they being the lessees, one of them of the Kilcullen road, and the other co-lessee of the Limerick road, both emphatically declared to myself that they had no right whatever, according to their interpretation of the statute of 1811, to make any demand against the Post-office such as the Messrs. Bourne then attempted to enforce; and that the demand on the part of Messrs. Bourne was, in their judgment, not justified by the law. My reason for alluding to that fact here is, that both Mr. Anderson and Major Taylor are dead, and to show to the Committee that, before the present claimants, the Messrs. Taylors, ever came forward to make such a demand, I had, in 1832, stated to the Treasury the assertion they had made to me in 1811, to show it was made by me before this claim was brought forward on the part of the Messrs. Taylors.

49. Sir *C. Coote.*] At what time was that claim first made?—The report of 1832 was made before I was aware of such a claim having been preferred.

50. When was that claim made?—The first time it came to my knowledge was in 1836.

51. Had Messrs. Bourne obtained any money under that claim?—So I understand.

52. Mr. *S. O'Brien.*] You consider this document contains the whole case as relates to the Post-office?—Yes.

53. Is there anything you wish to add to that?—Nothing in the shape of documentary evidence.

Mr. *George Taylor*, called in; and Examined.

Mr. *George Taylor.*

54. *Chairman.*] HAVE you an interest in the road from Dublin to Kilcullen?—I have.

55. Have you furnished the Treasury with a memorial and certain documents in proof of your claim against the Post-office for tolls on that road?—I have.

56. Can you furnish the Committee with a copy of that memorial, and of the documents accompanying it, for the information of the Committee?—I have got it here.

57. Have you any objection to furnish the Committee with it?—None in the world. Here is a manuscript besides the printed copy, being a further memorial to the Treasury, which is not included in the printed copy which I wish to put before the Committee as part of the case.

58. Be so good as to hand them both in?—[*The documents were then handed in,* vide *Appendix.*]—The Committee will observe that one of those is a further memorial to the Treasury besides what is contained in the printed copy.

59. Mr. *F. O'Brien.*] Is there anything in the printed paper you would wish to withdraw or to modify in any way?—No.

60. You put these documents in as the whole of the case up to the present moment?—Yes, the printed copy and the manuscript copy.

61. Have you seen Sir Edward Lees' statement?—No, I have not.

62. Would you wish to see that before you hand in those documents?—I should like to see it, but I am not aware of anything in those documents which I should not wish to put in.

Veneris, 23° die Junii, 1837.

MEMBERS PRESENT.

Mr. Wallace.	Sir C. Coote.
Mr. G. Evans.	Mr. S. O'Brien.
Mr. C. Fitzsimon.	Mr. Longfield.

ROBERT WALLACE, Esq., IN THE CHAIR.

THE following Minutes of Evidence, taken before the Commissioners of Post-office Inquiry, on Saturday the 9th July 1836, were put in, and read.

Peter Purcell, Esq., was called in; and Examined, as follows:

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Peter Purcell, Esq.

ARE you well acquainted with the mail-coach roads from Dublin to different parts of Ireland?—I am.

How many lines of road are there?—I think there are 10 distinct mail-coach roads out of Dublin.

Are those roads, in your opinion, under a good system of management?—I do not think that they are.

What improvements can you suggest in the mode in which they are managed?—I would suggest that there should be a consolidation of turnpike trusts, and that the funds should be distributed among the roads generally, and the receipts not confined to any one particular district; that the surplus funds on one line might be applied to another.

The present system in Ireland is similar to the system that is in force in England, is it not?—Precisely; only not so well conducted as in England.

Do you imagine that there would be great difficulties in effecting a consolidation of turnpike trusts in Ireland?—I do not think that there would be the least difficulty, so far as obtaining the acquiescence of the trustees on the various lines of road to give up their trusts, except in the case where vested rights are reported to exist.

Will you state the effect which those supposed vested rights have had upon the communication of the different lines of road where they exist?—I think that on the Limerick line of road, in particular, it has produced a monopoly that has completely cut up the communication with Limerick from Dublin, and with that part of Ireland, the county of Clare and the county of Kerry, and the whole country which extends beyond Limerick, and therefore the communication to that part of the country through Limerick has been extremely limited.

In what manner has this effect been produced?—I think entirely by the Act of Parliament vesting the tolls in one particular person.

What is the date of that Act of Parliament?—I do not know what the date of it is; I suppose it is about 35 years ago; it was one of the last Acts of the Irish Parliament.

You were examined upon this subject before a Committee of the House of Commons that sat upon Irish Turnpike-roads, in 1832?—I was.

Are the mail-coaches on this line subject to the penal toll of 4 *d.* a horse?—It has been so claimed as a right, and has been paid lately by the Treasury.

Is there any suggestion that you can offer, by which this grievance could be remedied, and due regard had at the same time to the existing interests of the lessees of the roads?—If the claim is a justifiable one, it occurs to me that it would be advisable to buy up the interest of the lessees upon some terms, so as to open the communication; but if it cannot be done in that way, I should suggest that it probably might be done by giving the lessees an increased toll on other carriages, taking off that penal sum on horses drawing public coaches, and charging only on such coaches the same rate of toll as paid on other roads in Ireland.

Do you know, in point of fact, whether the same toll is levied on other carriages on this road which is levied upon mail-coaches?—There are no other coaches upon the Limerick road but those which belong to the lessee of the tolls.

Upon a private carriage, how is it?—A postchaise plying for hire is equally liable by law to the penal sum, but I understand it is not levied.

In point of fact, then, this state of things operates in giving the monopoly to the lessees of the road of the public conveyances upon this line of road?—Completely.

Has

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Has not this monopoly a very injurious effect on the communication to Limerick and the country beyond Limerick?—I have been 26 years concerned in mail-coaches; I never knew any coach to Limerick but the mail-coach, and one coach that belonged to the lessees of the road.

Has it caused much complaint?—It has; I have been solicited several times, by many people at Limerick and beyond it, to run a day coach; but, upon consideration, I found that it would be ruinous to myself, and only increase the funds of the lessees.

Do you know what sum the Post-office pays to the lessees for this line of road?—I believe, with the penal sum attached, the tolls paid by the Post-office amount altogether to 1,400*l.* or 1,500*l.* a year.

That is exclusive of the terms for which the contract is made?—Exclusive of the mail-coach mileage.

Are the terms on which the lessees of this line of road contract with the Post-office for the conveyance of mails lower than what is usually paid by other contractors in other parts of Ireland?—It is equal in amount to most of the mails, and considerably more than I receive for the Cork mails or Belfast.

If you had in this way a monopoly upon any line of road, do you conceive that that circumstance would enable you to offer to convey mails upon lower terms than if you were subjected to competition?—Most undoubtedly; if the Limerick contract was offered to me now, the coach liable to the tolls which it now is, and those tolls to be paid by the Post-office, I would run the mail to Limerick on much cheaper terms for the Post-office than to any other town in Ireland; in fact, under those circumstances only could I run a coach to Limerick.

I believe Messrs. Bourne are the lessees?—They are.

What length of time has the mail-coach contract been in their hands?—I believe about 30 years.

Has it ever been offered to public competition within that period?—I think it has twice within my recollection.

But under the present circumstances you consider it impossible that any real competition can take place?—If the mail contract was again offered for public competition, I think there would be proposals for it on lower terms than now paid.

Why did you not propose for it when it was offered to public competition?—It was advertised for in the public papers in the year 1823. Mr. Brotherton of Liverpool was invited over at that period by Sir Edward Lees and others connected with the office to put in a tender, which they were very anxious to get for that line; Mr. Brotherton did put in a tender, the amount of which I do not recollect. A partner of mine, Mr. Stockley, also put in a tender which never was opened, and was returned to him unopened. He gave me the document, which I have now in my possession sealed up.

When was this?—In 1823. Lord Ross and Lord O'Neill were then Postmasters-general.

Has the contract ever been put up to public competition since that time?—The contract was renewed about three years ago upon fresh terms.

Upon that occasion was the contract put up to public tender?—It was not; there was an unexpired part of the term of the former contract, and the public required an acceleration of the Limerick mail, which the Post-office accomplished by entering into fresh terms with Mr. Bourne for the unexpired period of his term, which will end July 1837.

When the Government put it up to tender did they intend to pay the tolls?—They did; and it was very singular that Mr. Stockley's tender, which is unopened still, was for exactly one-half of what is now paid; so that if his tender had been received at that time there would have been a saving of 3*d.* a mile from 1823 to this period, for his tender was 3*d.* a mile and the contract has been since for 6*d.*; Mr. Stockley having since informed me that he was induced to make his low tender of 3*d.* a mile in consequence of the high tolls which the Post-office would have to pay.

Has any material change taken place upon any of those roads since the period of 1832, when you were examined before the Committee of the House of Commons?—The road from Dublin to Kilcullen Bridge is most considerably improved; the lessees have expended very large sums of money upon it, I think very much in consequence of that report, and made it now a very eligible road to travel on.

Is the road generally between Dublin and Limerick in a good state?—It is not in as good a state as that from Dublin to Kilcullen.

You have stated that if the contract for this line of road between Dublin and Limerick was fairly put up for public competition, you conceive that you would be able to offer for it upon terms which would render it probable that you would obtain it, the Post-office paying the tolls; would not the present lessees, however, always have a great advantage over you in any such competition, from the circumstance that they are enabled to keep all other public carriages effectually off that line of road, whereas you would be exposed to that competition in case they thought proper to start it?—The tolls being paid by the Government, and by receiving the mileage in addition, this advantage would enable me to run the mail upon that road, which would be the only mode by which I could run a coach of any kind to Limerick; in fact it would only be by that assistance from Government that I could do so, and then I should be able to run a mail-coach to Limerick as well as to any other part of Ireland.

You do not think that the circumstance to which I have alluded, of your being liable to competition from other coaches, from which the present lessees are secure, would affect

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the terms on which you would be able to perform the service?—I do not; that is very fully proved by Mr. Stockley's tender of 3 *d.* a mile.

Do you happen to know how long this agreement with the lessees will last?—I believe there are 14 or 15 years unexpired, under the Act of Parliament under which they hold.

Is there any great difference in the state of the road along the line from Dublin to Limerick?—I think the district from Dublin to Kilcullen far better than the district from Naas to Limerick; it is in better repair, better surface, and a greater sum of money annually expended upon it. I am supported in this statement from the Report of the Turnpike Commissioners in 1832, by which it appears 100 *l.* a mile has been expended from Dublin to Kilcullen, when, during the same period of time, only 22 *l.* a mile was laid out from Naas to Limerick. There is a circumstance, which I will refer to, on the road, that would probably show the necessity of some alteration in the Act of Parliament more than any other, which is, that the Dublin mail to Cork, which goes through Naas and Athy to Cashel, is also subject to a toll, and also to that penal toll that is complained of, the same as the mail-coaches from Dublin to Limerick, on the Mountrath and Maryborough direct line to Limerick, for which this Act of Parliament was given. There is a place called Ballyroan, where there is a cross-road leading into the Limerick and Maryborough line, and evidently by the Act it was intended that there should be a side-gate there, to prevent people from coming down the Athy line and going across there to Limerick, avoiding so much of the Maryborough line. By the wording of that Act, the lessees have been empowered to put a gate across the Cashel line to Cork, and therefore they collect a toll on people going from Cork to Cashel, or going to Cashel, the same as is exacted on the Maryborough line, the funds of which are not at all applied to the Cashel line; and that penal sum is exacted upon each horse drawing the mail to Cork by Cashel, the same as is exacted on those drawing the mail from Maryborough to Limerick, not one farthing of which is expended upon this road; and it is also a prevention to intercourse on the Cashel line as much as on the Limerick.

Is that the only road in Ireland which is under this species of management?—There are three others.

What roads are those?—Kilworth to Cork, Dublin to Ashbourne, and Dublin to Kilcullen, in addition to the one from Naas to Limerick.

Are those other roads mail-coach roads?—They are.

Is it the case on those other roads that the lessees of the roads are contractors for the mails?—They are not; Mr. Bourne, the lessee of the tolls from Naas to Limerick, is the only instance where the mail-coach contractor is also connected with the tolls, thus possessing the double advantage; I am the contractor upon the other roads; the Post-office pays the tolls; I do not believe that there is any penal toll on the Ashbourne road.

What do you mean by the expression, "penal toll"?—In the Act of Parliament it will be found that there was a sum of 5 *s.* a horse put upon horses drawing stage-coaches, carrying above six inside and three outside passengers; that Act was repealed, and it was enacted that a sum of 4 *d.* for each horse, instead of 5 *s.*, should be paid beyond the regular toll.

But without reference to the number of passengers?—I should think it referred to the former Act.

If they carry four inside and three out, they would avoid the penal toll?—I should think so, most unquestionably.

Are you aware of any attempt to set up an opposition coach upon the Dublin and Limerick line of road?—There was one, some years ago, proposed, by a Mr. Dillon, to set it up I believe on the principle of shareholders; but it was given up afterwards, when he found that the number of pay gates on the district of road from Naas to Limerick was about three times as great in proportion as upon any other line of road in Ireland; there is a pay-gate every seven miles, besides the infliction of a penal toll of 4 *d.* a horse.

(signed) *Peter Purcell.*

Richard More O'Ferrall, Esq., M. P., was Examined, as follows:

R. M. O'Ferrall, Esq., M.P.

YOU were the Chairman of a Committee of the House of Commons, appointed in 1832, to inquire into the state of the Turnpike Roads in Ireland?—I was.

That Committee went particularly into the question of the management of roads that were under leases in Ireland?—Yes; and the Committee made a distinct report upon that class of roads.

What was the substance of the recommendation of the Committee upon that class of roads?—The Report states, that "before entering on the subject of what the improvements ought to be on roads in Ireland, it may lead to a better understanding of what we have to offer by dividing the roads into classes, showing the system of management and the defects in each class, as well as the source whence the funds are derived." The roads to which the question refers are placed in the second class, and under the denomination of "Turnpike roads vested by Act of Parliament in individuals for unexpired terms." With reference to that class of roads, the Committee state as follows: "The roads which your Committee form the most important part of the inquiry, as affecting the interests of the public, and the rights of individuals guaranteed by Act of Parliament; your Committee have carefully examined into the allegations made against the management of these roads, and although the strict letter of the original contract may not have been observed, yet they do not find sufficient grounds for recommending an interference with rights conferred

by

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by Act of Parliament, without due compensation being made to individuals who embarked a considerable capital on the improvement of the great lines of road, at a time when all previous efforts had failed of success."

It appears, then, from this paragraph that the Committee were of opinion that it would be desirable for the public to indemnify the lessees, and so put those roads upon the same footing with other roads in that country?—The Committee were of opinion, that as the forming of those roads, and the manner in which the trust had been kept, involved a matter of account, that they were not competent to go into it so as to ascertain whether the lessees of those roads had expended the sum of money on the roads which they contracted to do when they obtained the Act of Parliament; and therefore assuming that those persons had expended the money and fulfilled the contract, and that they were entitled to compensation, they laid down a rule by which this compensation would be given, but they did not pretend to decide till the accounts had been gone into what that compensation ought to be.

Are you aware that since the date of that report any steps have been taken to ascertain whether, in point of fact, the lessees had expended the sums of money which they had agreed to do upon those roads, and have kept them in a proper state?—No means have been taken since that Committee sat, but the examinations of that Committee have had a considerable effect upon one of the roads there mentioned, I mean the road from Dublin to Kilcullen Bridge. The lessee of that road has expended a large sum of money since the Committee sat, and very much improved it, but I am not aware whether any improvements have taken place on the other roads.

What would be the department of Government whose duty it would be to institute such an inquiry?—I understood from part of the evidence given before that Committee, that power is reposed in trustees mentioned in the Act of Parliament to make application to the Court of Chancery, but most of the trustees are dead and have not been replaced; even when trustees were in existence, the expense of appealing to the Court of Chancery was so heavy, that the individuals did not wish to incur it, and I know of no other persons who could make application to the Court of Chancery; it might be done by the direction of the Post-office, with the consent of the Treasury, and I conceive that if any department of the Government were required to make an investigation into that matter, that it properly devolves on the Post-office, inasmuch as the Post-office pays a considerable sum of money as penal toll to the lessees of those roads, and therefore they have a right to see that the road is kept in good repair. I have been given to understand by coach proprietors, that if those lines of road were placed in as good a state as they might be for the funds paid, they could accelerate the conveyance of the mails very considerably, and convey them at a less price than is paid at present, therefore the Post-office has a direct interest in the improvement of the roads.

Supposing the Post-office to be of opinion, upon inquiry, that the terms of those agreements, according to the Act of Parliament, are not duly kept by the lessees of those roads, would there be any power of enforcing a better observance of those agreements, except by means of the Court of Chancery?—I am not aware that there would, unless the Post-office thought themselves justified in again recommending to the Treasury to withhold the penal toll, which they were obliged by the Act to pay to Messrs. Bourne. I understand that the Post-office have for several years refused to pay that money, but that by a late decision of the Treasury, in the year 1834, the money has been paid.

Do you know what is the state of the road between Dublin and Limerick?—I am acquainted with that part of the Limerick road which passes through Kildare.

That is in the part of the county in which you reside?—It is in the county of Kildare.

What is the state of that part of the road?—It is by no means a road fit for mails to travel on. In the course of last winter I saw part of the road in the neighbourhood of Monastereven which had only 16 or 17 feet travelling space; there were dangerous holes on each side of the road, and altogether it was ill-arranged and very bad.

Is it decidedly inferior to the general state of mail roads in Ireland?—It is decidedly inferior to the road from Dublin to Kilcullen Bridge, and it is inferior to the road from Dublin to Mullingar.

Are those roads under the same lessees?—One of them is under Mr. Taylor; the third road, from Mullingar to Dublin, has been lately placed by the trustees under the Board of Works, who are carrying on very great improvements at a very moderate price.

Was the Mullingar road taken from the lessees on account of the bad state in which it was kept?—Without referring to the evidence I cannot go into the early history of the Mullingar road, but as well as I recollect, it was also included in the Act of Parliament, and a penal toll was granted on it. It has since that been relinquished possession of by the trustees. Since the establishment of the Board of Public Works, the trustees, thinking that the road would be better managed by a public board having a knowledge of road-making, they have transferred the road to the Board of Public Works.

Did it appear before the Committee of which you were chairman, that the lessees of those different roads were willing to give up the management of those roads, provided they were compensated upon the plan which you recommend?—The following paragraph of the Report states what the lessees assented to: "The lessees of the roads in the second class having intimated to the Committee that they will offer no impediment to an arrangement which was calculated to improve the leading roads in Ireland, and of which in principle they fully approved, your Committee required a statement from them, founded on the returns, and checked by the valuation of a notary, of the conditions on which they would

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be disposed to surrender the remaining term of their leases, they have furnished the following statement." They then put in a long statement, in the correctness of which I do not at all concur, which would make it appear that they derive very great and legitimate profits from the road, and they demanded to be compensated upon the amount of those profits. Now, I conceive that those profits ought to be diminished by as much as it would require to put the road into a perfect state of repair and improvement; and if after the road was in a perfect state it appeared that they had any legitimate profits, I think for those legitimate profits they ought to be compensated; and having ascertained what those legitimate profits were, the Committee point out the means by which the money might be raised, without placing any charge upon the public."

Mr. *George Taylor*, called in; and Examined.

Mr. *George Taylor.*

63. *Chairman.*] YOU proposed to give in a reply to the report of Sir Edward Lees; have you prepared a reply to give to this Committee?—I have.

64. Be so good as to produce it?—This is my reply [*handing it in*].

65. Is it your wish that it should be printed by the Committee?—Certainly; I would prefer to have it printed.

[*The Document was handed in, and ordered to be printed in the Appendix.*]

66. You are lessee of tolls, and contractor for maintaining the roads between the city of Dublin and Kilcullen?—I am one of the lessees; the original contractor's lease is now in two persons, my brother and myself; I am the acting lessee.

67. You hold under an Act of the Irish Parliament, passed in the year 1793, having an extension granted to you of the previous contractor's lease for 30 years, and an Act passed by the Irish Parliament in 1798, extending the period from 30 years to 50 years?—That is not the description of our holding; we hold under an Act passed in 1798 for 50 years, which has never been extended.

68. By the Act you hold under you were entitled to levy the customary tolls at each gate, and a penalty of 5*s.* for each horse drawing more passengers than six inside and three outside in carriages plying for hire, being nine passengers altogether?—That is the original provision of the Act we hold under.

69. By which, for one additional passenger, you would be entitled to levy a penalty of 20*s.* at each gate?—It was so according to that original Act, but it is not so now.

70. Why is it not so?—By the Act passed subsequently the penalty or toll of 5*s.* a horse is altered to a toll of 4*d.* old Irish currency per horse.

71. I believe the Act was repealed giving the power to exact the penalty of 5*s.* a horse?—It was.

72. And in its place in the following year an Act was passed authorizing the levying of 4*d.* a horse?—It was.

73. Was the 5*s.* a horse regularly exacted while it continued?—I am not able to say whether it was regularly exacted; I had nothing to say at that time as to the management of the matter. By referring to Captain Taylor's papers it appears it was exacted, and a composition entered into in lieu of it with some coach proprietors.

74. Was that composition paid regularly?—I have no doubt it was, but I cannot positively say, not knowing anything of the management at that time; it was under Captain Taylor's management.

75. Do the books show that the penalty was paid?—I have not the books of so old a period with sufficient regularity to say so. With regard to the Limerick road, the books were given up by Captain Taylor when he parted with his interest in that road, and I have not the means of referring to them.

76. Have you any means of furnishing the Committee with the rates actually paid at any time for the penalty under the conditions of the Act?—I have no doubt I can furnish it, but I am not prepared at this moment; it refers to a period so long past; it is several years since the Act was repealed.

77. It was in 1811 the Act was passed authorizing 4*d.* a horse additional toll to be levied?—I believe so.

78. Which Act restricted the levy to the public carriages plying for hire only?—So I understand the Act.

79. And that Act applies to tolls on the road from Dublin to Kilcullen?—It does.

80. Has

80. Has that 4 *d.* toll been exacted generally?—It has not.

81. Has it been exacted at all?—Not on the Kilcullen road.

82. Then are the Committee to understand that the Act authorizing the levy of 4*d.* additional toll on every horse is a dead letter, and inoperative as regards the Kilcullen line of road?—We do not consider it so; on the contrary, we have made a claim on the Post-office in regard to the mail for this 4*d.* a horse; as to the other conveyances we have not charged it.

83. Have you recovered from the Post-office the demand you have made?—No; they have refused to pay it.

84. Do any other coaches pay the additional toll of 4*d.*?—No; not on the Kilcullen road.

85. Do Messrs. Bourne run coaches along your road or not?—They do.

86. How many do they run along your road?—They run a Limerick coach, and some caravans; four caravans, as well as I can recollect.

87. And the mail?—The mail also belongs to them on the Limerick road.

88. Do they pay that additional 4*d.*?—They do not.

89. Did you ever attempt to enforce the payment of this toll from the Messrs. Bourne?—Not since the road came under my management; I cannot say whether Captain Taylor did or not.

90. Do the Messrs. Bourne, by travelling a circuitous road, evade the payment of the additional 4*d.*?—They evaded the payment to us of any toll whatever.

91. The whole toll as well as the 4*d.*?—Yes.

92. By what means did they evade it?—They went by another road altogether.

93. Did they not travel on any part of the road?—Only a few yards; they came into the town of Naas, and passed through it, and left the road in the town of Naas.

94. Mr. *Evans.*] They travelled over the county road?—Yes, they did.

95. *Chairman.*] Can you state to the Committee how much a-day you should receive more than you now do were the Messrs. Bourne to pay the additional 4*d.* daily?—I could not exactly state without calculating; but I can furnish an account of it.

96. Mr. *S. O'Brien.*] Did you ever enter into any special contract with Messrs. Bourne or other parties to the effect of giving up this claim of 4*d.*?—We have entered into special contracts as to the reduction of the toll, but certainly not any special contract as to the 4*d.* We have made various contracts for the reduction, as I have stated in my reply to Sir Edward Lees.

97. Previous to making any application to the Treasury for the payment of the additional 4*d.*, did you ever treat with any private parties as if you laid claim to it, and make any contract with them on that footing?—Not that I know of; that refers to the period of Captain Taylor's management. I do not know of any such case; it was not under my management at the time you refer to.

98. Mr. *Evans.*] Did you make occasional claims on the Treasury for the additional toll from year to year?—No.

99. What induced you, at the particular period when you made the last application, to make the application?—The success of the Messrs. Bourne in a similar application.

100. *Chairman.*] Does the exclusive monopoly which the Messrs. Bourne possess of running carriages between Limerick and Dublin prove injurious to you as lessees of the tolls between Kilcullen and Dublin?—I conceive it tends to restrict the traffic on the road between Naas and Dublin; the less traffic there is on the Limerick road the more it is diminished between Naas and Dublin, as it must pass over the Kilcullen road to get from Dublin to Limerick.

101. Is it your opinion that an open trade would give to you a better revenue from the tolls?—It would tend to increase our revenue so far as the first division of the road.

102. Are you of opinion that the abolition of the 4*d.* additional toll would induce coach proprietors to put additional coaches on the road between Dublin and Limerick?—I think it would.

103. You have mentioned your having demanded payment of the additional toll of 4*d.* per horse from the Post-office on the mail-coach; when did you first

Mr. *George Taylor.*

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make that claim?—I cannot answer that without referring to the copy of our memorial. Copies of our memorial have been laid before the Committee.

104. In those copies will the date be found?—Yes, the date will be found.

105. Why did you delay preferring your claim?—In consequence of the expense and the loss of time which would have attended the prosecution of it, that prevented us; the Messrs. Bourne, before they succeeded, were six months residing in London, which was of course attended with a great deal of expense.

106. Does the contract for the mail and also for the tolls by the Messrs. Bourne on the road between Dublin and Limerick commence nearly where yours ends?—No; their contract commences at Naas, which is 15 miles from Dublin, whereas our line goes five miles further on to Kilcullen; it branches off at Naas, we go on to Kilcullen.

107. Have they been paid 4*d.* a horse (as far as you know) additional toll for their mail-coach?—I am informed so.

108. Are you aware of any reason why they should have been paid while you have been refused?—The reason we have got from the Treasury is, that they considered we had settled our claim on a former occasion, on the occasion when we made a claim for tolls on the change of horses.

109. Do you conceive they have any better claim than you have to those additional rates?—No, I do not.

110. At the time the Act passed repealing the 5*s.* a horse, did you remonstrate or petition against that repeal?—We did.

111. Did you petition Parliament?—The exact measures taken I am not prepared to describe; it was entirely on our remonstrance and that of the Messrs. Bourne that the repeal took place, and it was by our consent that the toll of 4*d.* a horse was substituted by Mr. Pole, who was Secretary for Ireland at that time.

112. Are you aware that the Act of repeal took place in 1810, while that as to the 4*d.* took place in 1811?—I am.

113. Am I to understand that, in point of fact, you have never been benefited as yet by that 4*d.* additional toll?—We have not.

114. Are private carriages subject to the 4*d.* additional toll?—It is the opinion of some lawyers that they are.

115. Has it ever been charged on a postchaise with hired horses?—It has never been attempted to be levied.

116. Or on hired horses and hired chaises?—No.

117. Has it upon gigs, cars and other single-horse carriages?—No.

118. How many statute miles of road are you the contractor for between Dublin and Kilcullen; what is the distance in statute miles?—About 27 British miles.

119. How many of those miles are there between each turnpike gate?—I may say it is almost equally divided into two divisions.

120. Then there are about 13½?—Exactly.

121. There are but two gates from Dublin to Kilcullen?—There are five gates from Dublin to Kilcullen.

122. How many miles are there between each gate?—There are two toll-gates in each division; one of which is merely a protecting one, as it were. There is a toll-gate soon after entering the first division, and one shortly after leaving it; and in the next division there is a toll-gate soon after entering it, and one shortly after leaving it.

123. Do carriages pay at all the four?—No, only the first, except there is a change of carriage or horses; if there is a change of carriage or horses they are liable to two gates in the division.

124. Sir *C. Coote.*] Do you only pay two gates from Dublin to Naas?—Yes; excepting there is a change of horses, and then you are liable to three payments between Dublin and Naas. At the ordinary rate of posting now they change horses at Blackchurch, and you are only liable to two payments between Dublin and Naas.

125. *Chairman.*] At how many gates does each carriage pay between Dublin and Kilcullen?—At two gates, except there is a change of horses.

126. Then, commonly, they pay at only two gates?—Yes, for the posting station: the principal posting station, I should rather say, is up to the second gate.

127. Sir *C. Coote.*] Are there not different posting stations; sometimes you run into Naas, and sometimes you change at Blackchurch. Suppose you run

to

to Naas, you pay two gates to Naas?—If you drive to Naas you make two payments; if you take fresh horses at Naas, and drive through the Kilcullen gate, you would be liable to a third payment.

128. Mr. *S. O'Brien.*] Does not the Act of Parliament under which your trust is constituted divide the road into two divisions?—It does.

129. Do you conceive you are entitled, under this Act, to charge tolls more than twice?—The Act provides that tolls shall be charged no more than once on each division with the same cattle and carriage. If there is a change of cattle or carriage there is a second payment, even in the same division, to be made.

130. *Chairman.*] How many gates does each stage-coach pay at between Dublin and Kilcullen?—Two.

131. And coaches going from Dublin through Kilcullen to Limerick, how many do they pay on the same line?—Two.

132. Sir *C. Coote.*] Then they pay the same for 15 miles in one instance as they do for a greater distance in the other?—They do.

133. Which is 21 miles?—Yes.

134. *Chairman.*] So that the stage-coaches may travel 13½ miles on your road, paying one gate only?—They may; that is the rate they pay at present, according to the manner in which we take payment from them.

135. Mr. *S. O'Brien.*] Suppose you were disposed to set up a coach yourself on that road, do you conceive, if you choose to change it every three or four miles, you would be able to charge a proportionate number of gates on the whole line under the Act of Parliament?—If we choose to set up a stage-coach we might make the change I have described. With regard to the mail-coach, the law at present does not allow it, because an Act has passed subsequently to ours, which reduced the liability of the mail-coaches to one payment only in the division; but upon an application to the Lords of the Treasury they restored the payments as we formerly received them from the Post-office, notwithstanding that Act, on the ground that our contract could not be violated.

136. *Chairman.*] Can you state how many gates there are between Naas and Limerick?—I am not sufficiently acquainted with the road between Naas and Limerick to state that.

137. Can you state the distance between the gates generally between Naas and Limerick?—I cannot state that with any certainty; I should think about seven Irish miles.

138. How much is that in British miles?—Nearly nine miles.

139. So that the public are permitted to travel for the same rate of toll 13½ miles on your road as contrasted with nine miles between Naas and Limerick?—So it appears, if I am correct.

140. Mr. *S. O'Brien.*] Do you suppose that the object of the Irish Legislature, which imposes such a heavy penalty on the stage-coaches carrying beyond a certain number of passengers, was to give the contractors a monopoly on the road?—I cannot give a positive answer to that question; but I think the contractors got no additional toll whatever; they only undertook to keep the road in repair under the contracts; I think they got them exactly as they existed before under the trusts.

141. What do you assume was the object in imposing such a penalty; was it to confine travelling to a particular description of conveyance?—The roads at that time were in a very bad state; probably it was to prevent an excessive load being used, which would cut up the road; I can discover no other reason.

142. The parties you represent were not in the same position at the period of the passing of the original Irish Act as the Messrs. Bourne were in; they were engaged probably in establishing stage-coaches on the road; in that case there might be an intention to give them a bonus in consideration of the public convenience that might result from establishing a conveyance?—I believe it was not intended, or was it actually done, to give any greater tolls to the contractors than the trustees which preceded them had levied on the road; the tolls were the same which the parties who preceded the contractors had levied.

143. My question had reference to the 5*s.*, which it was obvious to everybody might be considered as a penal sum?—It was exactly the toll that existed before the contractors were introduced, and could not be intended to give them a bonus.

Mr. *George Taylor.*

23 June 1837.

144. Before when?—Before the Act passed vesting the tolls in contractors the trustees enjoyed the same tolls, whether they be called penalties or otherwise; the trustees who preceded the contractors had the same toll of 5*s.* a horse.

145. Suppose parties were willing to set up a caravan, would they be subject to the 5*s.* or the 4*d.*?—It would be subject by the Act undoubtedly to the 4*d.* toll.

146. *Chairman.*] I have reason to understand that the road between Dublin and Kilcullen has been much improved within the last four years?—It has.

147. Are you acquainted with the road from Naas to Limerick?—I am not at present.

148. Have you the means of informing the Committee, as a matter of comparison, whether the road between Dublin and Kilcullen is smoother and better, generally speaking, than the road from Naas to Limerick?—I cannot say so; I have not made, or know of any comparison of that sort being made.

149. Can you inform the Committee as to the rates of travelling between Dublin and Limerick, whether it is higher in general than similar lines of road diverging from Dublin of the same extent?—No, I cannot.

150. With regard to the returns of outlay on the road and the returns made of the tolls, I understood that you would furnish a statement; can you do so?—I have got a return of the income and expenditure, the repairs of the road and the expense of management of the road from Dublin to Kilcullen for the years 1832, 1833, 1834, 1835 and 1836.

151. Mr. *S. O'Brien.*] Is that conformable to the return laid before the Committee of 1832?—It is a continuation of the return; so much with regard to those matters as are not liable to any variation, they remain as given before the Committee in 1832, but the matters liable to vary are in this return brought down to the present time.

152. And this return you give in is a continuation of that produced to that Committee, up to 1836?—I do.

153. What is the nature of the evidence you would propose to give, supposing you were required to verify these accounts?—The books of the concern, in which several persons are interested and the accounts are kept.

154. The contents of those books would be confirmed by parties ready to come forward to depose to them?—By all or any of the parties interested, and many other persons uninterested, who could verify the contents of those books.

155. *Chairman.*] In your former returns I find the net annual profit is stated, and I find it is not stated here; could you make it out here from this return?—I can exhibit that on the return.

156. Please to amend this return so as to exhibit the net profits.

[*The following Return so amended was then handed in.*]

A RETURN of the Income and Expenditure, Repairs of Road, and Expense of Management of the Road from *Dublin* to *Kilcullen*, for the Years 1832, 1833, 1834, 1835 and 1836.

YEARS.	INCOME.	EXPENDITURE.	Repairs of Road.	Expense of Management.
	£. s. d.	£. s. d.	£. s. d.	£. s. d.
1832 - - -	4,911 13 3	2,770 16 3	1,519 3 9	393 12 4
1833 - - -	4,883 4 10	2,715 8 2	1,485 16 7	392 13 10
1834 - - -	5,011 10 -	2,691 4 3	1,580 18 4	398 7 6
1835 - - -	4,968 10 -	2,919 19 7	1,851 7 11	394 16 8
1836 - - -	4,980 4 -	2,859 9 3	1,953 2 8	173 17 6

Net Annual Profit of Contractors:

	£. s. d.		£. s. d.
1832 - - - -	2,140 17 -	1835 - - -	2,048 10 5
1833 - - - -	2,167 16 8	1836 - - -	2,120 14 9
1834 - - - -	2,320 15 9		

George Taylor,
for Self and Co-lessees of the Kilcullen Road.

52, Leicester-square, 22 June 1837.

Mr. *Frederick Bourne*, called in; and Examined.

157. *Chairman.*] HAVE you any information to give to the Committee with regard to the Ashbourne road, in addition to what is contained in the Report and Appendix of 1832?—Since that period, I have contracted with the Board of Works in Ireland for the repairs of that road, stipulating to pay them 616*l.* a year; 20*l.* of that is repaid me by the Knoxsedan trust; according to the report of the Board of Works, the sum that I pay is more than sufficient for the purpose of repairs, inasmuch as I think in the last report, instead of 616*l.* expended, their expense amounted to 560*l.*, which was short of the money paid. At the period I was examined before Mr. O'Ferrall's Committee, the tolls were collected by myself; since that period they have been let for something above 1,400*l.* a year, independent of the public carriages; the precise amount of their payments I cannot venture to say, but I should suppose something about 400*l.* a year. I have become actually entitled to an increased payment from the Post-office, under a clause in the Ashbourne Act, which entitles me to a second payment in the division, in consequence of a change of horses, and I have intimated to the Post-office that after the 5th of July next I will require payment.

158. Sir *C. Coote.*] That is a new claim you make?—Yes, arising from the recent change of horses; I wished to confine the change to the town of Ashbourne, where I had stables for the different contractors, but the Post-office contractors recently shortened the stage and built themselves stables.

159. *Chairman.*] What is the distance between Dublin and Ashbourne in statute miles?—The ten-mile turnpike stone is exactly opposite the post house.

160. Being nearly 13 miles British?—Yes.

161. How many pay-gates are there in that distance?—One.

162. I now understand you to claim for two?—For the change of horses.

163. In a distance of 13 statute miles?—Yes.

164. Mr. *S. O'Brien.*] Do you charge all the vehicles that ply on that road?—I intend to do so.

165. Will any other coach but the mail-coach pay the additional gate?—They are liable to it, but I have not yet determined on the subject.

166. Do most of the coaches intend to change their horses at the same place?—I believe there is one company on the road that always changes; on that subject I am not informed sufficiently to give a decided answer.

167. Should you consider yourself entitled to claim the additional 4*d.* a horse from the Post-office, and allow the proprietors of other coaches to pass at a compounded amount or free?—I think I would not; I think it would not be a measure of fairness to the Post-office to do it, but I have not made up my mind on the subject.

168. Do you consider you would have a right to claim from the Post-office, and to permit others to pass at a low rate or free?—I do consider I have a perfect right to exercise my own discretion on the occasion; the law empowers me to demand tolls, nothing is compulsory; if my interest suggested a different line to be pursued I should adopt it; at the same time, if I diminish in one case, I must resort to it in the other.

169. You have a right to alter and regulate the tolls to please yourself?—To lower the tolls; I have no power to increase them beyond that which the Act gives me; I have the power of imposing a toll of 6*d.* on all carriages and vehicles, and I have been imposing only 3½*d.*; and I made an exemption in favour of dung carts; instead of 6*d.*, which I was empowered to demand, I only required 1½*d.*; I only collected that rate for three or four years, till the impositions and frauds practised upon me were so glaring and so outrageous, that I raised the toll on dung carts from 1½*d.* to 3*d.*, at which sum it still remains, being 3*d.* less than my right. On other carts carrying not manure, but carts generally, I have charged 4*d.*, being 2*d.* short of my right.

170. On carriages have you adopted the same plan of charge?—No; I charge 6*d.* a horse, drawing a gig, carriage, or anything of that kind.

171. The abatement being merely upon carts carrying such substances as you thought fit to diminish the rate on?—Exactly so; and I have lost 800*l.* a year by doing so. The last account kept of the number of carts was 73,000, and the average payment on those had been between 3*d.* and 4*d.*

 172. You

Mr. *F. Bourne.*
23 June 1837

172. You lowered the rate, I suppose, with the view of encouraging and increasing the traffic?—Not on the dung carts; they chiefly come from the neighbourhood of the city.

173. What was your object?—Really the public service; and I would have been glad if there had been the same system adopted on every road.

174. Do you allow any parties to pass free through the gates?—There were some few, but I believe since the tolls were let, they are altogether discontinued.

175. The lessees do not permit persons to pass free now?—I cannot say; there were some friends of mine on the road who were allowed to pass free, and not have to draw up to pay this paltry sum.

176. Did you make any exemption in their favour on letting the tolls?—I believe I did on one or two occasions, but I believe they have been discontinued; I shall be able to tell you when I get my papers.

177. *Chairman.*] Then under the Act, you consider that you may use the lease you hold as a sort of private property, to be used according to your discretion, so that you keep the road in good order and satisfy the public?—I do so consider.

178. And you can lower and raise the tolls as you think fit?—Not raise them; not above the Act.

179. Mr. *S. O'Brien.*] You can raise from 4*d.* to 6*d.*?—I can, and shall probably do it.

180. Would you be willing to treat for compensation for your interest in this part of the road?—I should; but I am well satisfied to go as I am; if it is thought expedient to make any alteration, I should be most glad to bow to the decision of the Committee.

181. *Chairman.*] Has the Post-office given you any reply whether they will accede to your demand for the additional toll in consequence of the change horses you referred to?—They have not; they cannot help it, because the 59 Geo. 3, which deprived the Limerick road of three divisions of the road, in consequence of the change of horses, was passed previous to the Ashbourne Road Act, which gave me the power to levy the additional toll, therefore that could not be affected by Sir Edward Lees's Act.

182. When was that?—In 1827, the 7 Geo. 4; the other was the 59 Geo. 3.

Lunæ, 26° die Junii, 1837.

MEMBERS PRESENT.

Sir C. Coote.	Sir R. Musgrave.
Mr. N. Fitzsimon.	Mr. S. O'Brien.
Mr. G. Hamilton.	Mr. Wallace.

ROBERT WALLACE, Esq., IN THE CHAIR.

Mr. *Frederick Bourne,* called in; and Examined.

Mr *F. Bourne.*
26 June 1837.

183. *Chairman.*] DO you propose to give in a reply to the statement of Sir Edward Lees?—I do.

184. Have you brought the reply?—I have.

185. Produce it?—[*It was handed to the Chairman.*]

186. Is it your wish that this should be printed for the information of the Committee?—Certainly.

[*The Document was then put in;* vide *Appendix, No.* 6, *p.* 66.]

187. Have you any other document that you wish to put in?—Yes; I have the statement of the case of Mr. W. H. Bourne.

188. Do you wish that to be printed?—If the Committee pleases.

189. You give in that statement on behalf of Mr. William Bourne?—I do.

[*The appended Document was then put in;* vide *Appendix, No.* 6, *p.* 68.]

190. Is

190. Is there any other information you would wish to give, or any other document of any kind?—I have an account of the receipts and disbursements of the Limerick road for three years.

191. What years are those?—1834, 1835 and 1836.

192. Is it a continuation of the account which has already been furnished?—No, there is a lapse; in the account required, it should have been given in in continuation. Before I was apprized of that being required, this account was made out for the last three years. If any ulterior steps are to be taken on the subject of this inquiry, every information which can by possibility be required, shall be given in the most candid and ample manner.

193. Be so good as to hand in that document?—[*The document was handed to the Chairman.*]

194. I observe that this leaves out two years, 1832 and 1833?—Yes; but they can be furnished. It occurs to me that the account is incorrect; it occurs to me that the balance is greater than is stated. In the account given to Mr. O'Ferrall, the net rental of the road is 3,500 *l.* and in this it is 3,100 *l.*

[*The appended Document No.* 5 *was then handed in;* vide *Appendix*, No. 6, p. 75.]

195. You have made out this return as correctly as you can make it?—Exactly so.

196. Is there any other document that you wish to produce?—Here is a comparative scale of the rates of travelling by the mails from Dublin, and the fares inside and outside of the several mail-coaches in Ireland.

[*The appended Document No.* 6 *was then put in;* vide *Appendix*, No. 6, p. 76.]

197. Is this a continuation of the return of 1832?—This is a subsequent return to the Report of the Commissioners of Post-office Inquiry; it is much later and much fuller than that in the seventh report. This document is subsequent to the Post-office inquiry.

198. Mr. *Hamilton.*] In what way do you consider this document as bearing on this particular inquiry?—In my reply to Sir Edward Lees' report, I have stated that the mail on the Limerick road is the fastest in Ireland, and is cheaper than most others.

199. On what data is that formed; is it from the returns made to the Post-office?—It has been given to me, made up by the clerks in the coach-office, from documents, and probably from personal inquiry, and not by the Post-office.

200. With regard to the rate of travelling, is not an account taken of the time of the arrival of the different mails?—There is.

201. *Chairman.*] You give it in as a document you can depend upon?—I have no doubt as to its accuracy; I did not compare it with the paper in the report of the Commissioners of the Post-office, but I have no doubt it is similar; the only difference between that and the Post-office account is, that the Enniskillen mail is not mentioned at all in consequence of the contract having expired, and the Post-office, on the renewal of the contract, was obliged to pay 2 *d.* per additional mile; and another difference is, that the Limerick mail, which received 6 *d.* per double mile, now travels gratuitously.

202. Mr. *S. O'Brien.*] I understand you to say that the mail is carried gratuitously on the Limerick road; would you be in a condition to undertake to carry the mail gratuitously on the Limerick road, if you had not either a connexion with the turnpike trusts along the line, or a monopoly which the levying toll has given you?—I do not consider we were influenced in the slightest degree in our undertaking to convey the mail gratuitously in consequence of the monopoly alluded to; I do not conceive the monopoly had any operation whatever. Our motive for carrying the mail for nothing arose from an understanding that an opposition was growing up by Mr. Bianconi and Mr. Purcell, that they were about to propose for the mail, and we having very extensive establishments along the road, and these farms pay for themselves so long as we have a market in our own stables for their produce. If we were compelled to send the produce of those farms to market, they would cease to be remunerative and would be a loss to us.

203. Suppose you had not anything to say to the turnpikes, and there was no monopoly as regards the turnpikes, but that the turnpikes were on the same

Mr. *F. Bourne.*

26 June 1837.

footing as on all other roads, would you have undertaken to convey the mail gratuitously?—I do not see that the possession of the tolls made the slightest difference whatever; I am quite sure it did not in our estimation; if the coaches were contracted for by any one else, we should have the same tolls to receive as are now paid for our coaches.

204. *Chairman.*] You have stated that one of the contracts about to be entered on is to carry the mail gratuitously?—Yes.

205. And the rate of contract was for 6 *d.* a double mile?—Yes.

206. And the rate of travelling is stated in the paper you have given in?—Yes, it has been increased half an hour.

207. It is shown by that paper?—Yes, it is.

208. Mr. *S. O'Brien.*] What expense would be occasioned to the public by the undertaking on the part of the stage-coaches to leave Dublin in the morning to carry the mail to Limerick or to Tralee from Dublin?—I do not know what might be required; I am sure it would not plus the tolls; if they pay the tolls, we will convey the mails without charge. The Post-office would be subjected to a further expense in the appointment of a guard.

209. *Chairman.*] Do you know whether the Belfast day mail is carried by a stage-coach?—I do not; when it commenced it was carried for nothing, but I believe they now receive 2½ *d.* or 3*d.* per mile for the conveyance; that will be seen in the report.

210. Mr. *O'Brien.*] Are the tolls in that case paid by the Post-office?—They are; they did not pay them formerly; one of the Belfast mails is paid by the contractor.

211. *Chairman.*] Are you quite certain that the Post-office pays the tolls on the Belfast road?—On the night mail only, but not the day mail.

212. The coach which carries the day mail?—Yes, I believe, receives mileage.

213. Without tolls being paid?—The tolls are paid by the contractors; that is, by the coach-owners.

214. When mail-coaches first ran between Dublin and Limerick, how many stages were the horses changed at between Naas and Limerick?—There were 13 payments up to the 59th Geo. 3.

215. What year was that?—1819.

216. It appears by the Act that the road between Naas and Limerick was divided into nine stages only?—Yes, nine divisions.

217. Were not the horses originally changed at those nine stages mentioned in the Act, and no more?—During my remembrance, which is more than 20 years, there were 13 payments; I do not know where the stages were, but I know the stages were so numerous as to make 13 payments necessary.

218. It appears that the Act describes nine stages; I wish to know in what way that part of the Act has been departed from?—It is not stages, it is turnpike-gates; it is the division of the road only; it has no reference at all to the stages, and in that division from Naas to Kildare there has been a long time a change of horses at Moorfield.

219. As long as you recollect, there have been 13 changes of horses between Naas and Limerick?—Yes, up to the period of the 59th Geo. 3, when three of them were taken off; there are now 10, I believe; I know three were taken off.

220. By this Report before me, it states that tolls have been paid by the Post-office in 10 divisions, and immediately below it alludes to the demand of Mr. W. Bourne for tolls for three changes of horses, which makes 13 divisions in all?—That is the fact; there were 13 divisions and payments.

221. The papers prove that there were 10 divisions only?—There are 10 divisions payable now; there were 13 till three were repealed by the 59th of the King, which we complain of in this report.

222. Are all the divisions now paid for which are allowed by the Act?—There must be 10; we do not receive more than we are entitled to receive.

223. Mr. *O'Brien.*] Have the Treasury admitted your right to charge on 13 divisions in former times, and 10 now?—No, they have not.

224. Then that point is still open for their decision?—So far it is open, that a covenant was made with Mr. Baring, of the Treasury, that if they gave us the 4 *d.* toll, we would not press the toll for change of horses, if it was conceded to Mr. Maxwell, who is interested in the tolls, they being chargeable with an annuity of 600*l.* a year to him; in that case we were to have the benefit of that concession.

225. Then,

225. Then, I understand that if the 4*d.* were admitted without difficulty, you would be content to take a payment for nine divisions instead of 13?—Ten instead of 13.

226. There are nine described by the Act; how do you account for the difference?—I do not know.

227. What was the intention of the Legislature in dividing the road into nine divisions?—Originally it was divided into three divisions, and subdivided; I do not know from what cause it was divided into nine tolls; I am not prepared to answer that.

228. *Chairman.*] Might not the Post-office now revert to the former practice of restricting it to nine divisions only, if it thought fit?—I do not know what the fact is, as to nine or ten divisions; but I am quite sure they could not make any alteration, because whatever is done, is done according to law; the Legislature alone could effect a change.

229. Do the public, by stage-coaches and other carriages, pay those nine divisions now, or more, independent of the mail-coach?—I believe they do; they pay for the change of horses; it was not charged for a long time, in consequence of the arrangement between the coach company and the factory where the coaches were made; the one gave up the toll for the change of horses, in consideration of the other relinquishing any claim for caravans. The 4*d.* per toll was charged in the same way, and a mileage was charged for coaches, and the caravans were given without payment. Some short time since, not being able to conduct the factory business, I sold one-third of it to my nephew, when a fresh arrangement became necessary and the tolls are now paid by the coaches, and the factory receives the usual amount of mileage for carriages.

230. How many passengers originally were carried by these mail-coaches in Ireland?—Four in and one out.

231. When did the change take place; I mean the augmentation of the number?—I cannot say.

232. Do you consider that the 5*s.* penalty applied to mail-coaches?—I have no doubt of it.

233. Does not the 5*s.* penalty apply to coaches having six inside and three out only?—I would observe, that the Act of 1811, which repeals the penal toll of 5*s.* on a particular description of carriages, subjects all carriages to the toll of 4*d.*

234. Did the 5*s.* penalty apply to mail-carriages having four inside and one out?—It did not; mail-coaches were not subjected to the toll of 4*d.* till by the Act of 1811.

235. Did you, along with William and Richard Bourne, take any interest, directly or indirectly, in framing or passing the Act of 1811?—None.

236. At whose instance do you understand that that Bill was brought in?—I believe it was brought in by Lord Maryborough, at the instance I think of the Messrs. Taylor; I am not sure.

237. As lessee and contractor, you did not interfere with the progress of the Bill?—I did not.

238. You think the Messrs. Taylor did?—I think they did; I believe I came over to oppose it.

239. On what ground did you wish to oppose it?—I really do not know now; I think I did come over, but I am not in remembrance of the motive for so doing.

240. Then you did come to oppose it?—I think I did; I know at one period the Messrs. Taylor and my brothers had different views of their interest.

241. Did you, by yourself or your agents, along with your brothers, take any active part in the passing of the Act of 1798 of the Irish Parliament, which grants a lease of 50 years of these roads?—I have no doubt my brother William did, but I was not in the country at that time.

242. Was their agent employed in drawing this Bill?—I do not know.

243. Do you understand the Act of 1811, which imposes an additional toll of 4*d.* on each horse, to be in lieu of the Act which imposes a penalty of 5*s.* on each horse, under certain circumstances?—I do; and I beg to refer to Lord Plunket's opinion upon the subject, which will carry more weight than any opinion of mine.

Mr. *F. Bourne.*

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244. What injury did you conceive you and your brothers would receive from this enactment of the 4*d.* toll, which you say you came to this country to oppose?—I know that I came here to support or to sustain some measure that was opposed by the Taylors.

245. Are you not cognizant whether you came to oppose it or to sustain it?—I really am not; I do not know for what it was. I know on that occasion I was here, and recollect waiting on Sir Francis Burdett.

246. Did you take any steps to oppose the repeal of the Act by which the 5*s.* toll was imposed?—It is very probable I might; if my attention had been brought to it I certainly would oppose it.

247. You cannot charge your recollection whether you did or not?—No; my memory is defective.

248. Did you receive any benefit from the 5*s.* toll?—I do not know that we did.

249. Did you ever exact it?—I do not know.

250. Was it ever exacted by your brothers that you are aware of?—I am not.

251. Or by the Messrs. Taylor?—I do not know; I believe the principal object of putting on that toll was, that the canal was about to establish a long coach, carrying 20 passengers, by the line of the canal to Limerick; and it was to sustain the Limerick coaches, which must have been crushed by such an opposition, that such a penal toll was established.

252. Then it was not with a view to remunerate the contractors of the roads or the lessees of the toll, but for the purpose of protecting them against the canal's long coaches?—I think it was; it was a penal toll of 5*s.*

253. Then, in point of fact, you could have no just right to receive the penalty under such circumstances?—The law settles that point.

254. Can you inform the Committee when the number of six inside and three outside was fixed on?—I cannot.

255. Mr. *O'Brien.*] Can you tell the Committee what was the view of the Legislature in imposing that penalty of 5*s.* at all; was it to give a monopoly to certain individuals?—I believe it was from this motive, to sustain the Limerick coaches, which could carry only five, against the opposition of the canal coaches.

256. *Chairman.*] Is the Committee to understand that the 5*s.* penalty clause was passed with a view to the prevention of the competition of the canal with the Limerick coaches?—I think that contributed, or was the motive of doing it.

257. To prevent the competition of the canal with the Limerick coaches?—Canal coaches carrying 18 or 20 persons, who would otherwise go on horseback or gigs, or jaunting cars, would necessarily reduce the amount of toll receivable on the road; that might be another reason why the toll of 5*s.* was imposed. I cannot venture to ascribe motives in a transaction in which I had no concern or interest.

258. Were you not the contractors of the Limerick roads at the time the 4*d.* Toll Act was passed in 1811?—My brothers were; I do not know that I was in the country at that time.

259. William and Richard Bourne?—It might be William and Henry Bourne, I cannot speak as to the dates.

260. Can you inform the Committee if the private parties, who were urging on Parliament the passing the Bill, took care to show the Post-office that they were about to incur the liability to a toll of 4*d.* additional on each horse by the Act of 1811, whereas the 5*s.* penalty did not apply to them at all; were they put upon their guard, by having it suggested to them, that by the passing of this Act, the consequence would be an additional rate of toll of 4*d.* per horse?—I cannot say whether any communication on the subject was made by my brothers to the Post-office; but I have no doubt whatever that Sir Edward Lees was cognizant of the fact of the intended alteration of the law.

261. Which was to impose 4*d.* a horse on each coach?—That was the effect of the law.

262. Sir *R. Musgrave.*] You cannot say that of your own knowledge?—I cannot.

263. Sir *C. Coote.*] It appears that the Post-office, on application, refused to pay; of course their construction of the Act was, that they were not liable under it?—I believe the refusal to pay was, not the 4*d.* toll, but the toll for changing the

the horses, which they conceived they were discharged from by the 59th of the King.

264. *Chairman.*] How soon after the imposition of the toll did Mr. Bourne, the lessee and contractor, demand the payment of the 4*d.*?—I cannot say; I am quite sure it was immediately demanded on the passing of the Act.

265. Was there any sum of money at that time in the hands of Messrs. Bourne, the contractors, which had been borrowed from Government?—There was a sum of money borrowed, I do not know at what period; there was a sum of something more than 6,000*l.* borrowed under the provisions of the 45 Geo. 3, for the improvement of the Limerick road.

266. Did he, as a set-off against the repayment of the money, charge the Post-office with 4*d.* per horse?—They demanded the money, and it was in consequence of their refusal to pay the money due for tolls that he withheld the payment of 7 per cent.

267. Did he set off the 4*d.* per horse against the payment of the Government loan?—The payment of 4*d.* a horse considerably plused the interest of the loan.

268. Then did he make it a set-off against the payment?—He did, in 1834, when the question was discussed between him and the public by the Treasury, as to the payment of 4*d.* a horse, amounting, with interest, to something about 18,000*l.*; I cannot speak precisely to the sum.

269. He refused to pay the loan till he had been settled with for the 4*d.* a horse?—Yes.

270. Mr. *S. O'Brien.*] Is the loan repaid now?—Yes.

271. *Chairman.*] On the principle of the 4*d.* a horse being allowed?—Yes.

272. Then the 4*d.* a horse has been paid, in point of fact, to Mr. Bourne?—It has.

273. Is it now being paid on the mail-coach?—Yes.

274. Do you conceive you have any other or better claim than the Messrs. Taylor?—I believe the claim is established by the same Act of Parliament in both cases.

275. And your claim and Mr. Taylor's is one and the same?—I do not know; I do not pretend to say anything more than as to our claim; I should consider it was so.

276. You claim to be paid for the change of horses under certain circumstances, and you have been paid for more changes of horses now than you were formerly?—We are not paid for any change of horses now; we had been for 21 years paid for three changes of horses until the Act of the 59th of the King.

277. You have stated that you should consider yourself entitled to demand this additional charge in the event of Mr. Maxwell bringing forward his claim?—In the event of his succeeding in his claim.

278. And his claim rests on the words "change of carriage and cattle"?—I refer to the opinion of counsel on that subject.

279. Now, as a road contractor, do you conceive that the surface of the road receives any injury from an additional change of horses?—There is a consequent acceleration of rapidity, and that has been considered as injurious to the road.

280. Do you, as contractor for the road, consider that the surface of the road does actually receive any injury from additional changes of horses travelling along it?—I cannot give any other answer than I before mentioned; I do not know it from my own knowledge or observation, but I understand it is generally conceived that a quick coach is more injurious to the road than a slow one.

281. Provided the surface of the road is smooth, is it not your opinion that additional horses do not do any injury to the surface of such a road?—Certainly not, at the same rate of travelling.

282. By the Act of 1798, now before me, it appears that you are authorized to levy on nine divisions only of the road between Naas and Limerick; does that Act anywhere specifically authorize any charge for the change of horses along the line?—I believe it does.

283. Can you point out at what part of the Act it does so?—I do not know the clause, but it is referred to in the opinions of counsel which are contained in the case.

Mr. *F. Bourne.*

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284. Is it under specific terms in the Act that the demand for the additional toll on the change of horses has been made?—No doubt.

285. Then it is not solely in virtue of the words "with the same cattle and carriage," that the claim has been made?—I do not know that there is any other clause than that mentioned, authorizing the demand.

286. The words "the same cattle and carriage," surely do not specifically permit or authorize the claiming or exacting of tolls for the change of horses?—I beg to refer to the better opinions of counsel that are contained in that pamphlet.

287. Then are the Committee to understand that upon these words only, "the same cattle and carriage," and upon the construction to be put upon them, you rest your claim for the exaction of the charge on the change of horses?—I am not aware at present of any other.

288. When the Act was passed in 1798, did you contemplate, or your partners, the advantages which have been derived from the charge in the changing of horses?—I cannot say that they contemplated it.

289. Did you do so?—I had no connexion with the business at that time, not being resident in that country.

290. Then you cannot inform the Committee whether the calculation made by the parties who became road contractors and the lessees of tolls, were made with the anticipation of receiving payment for the change of horses?—I cannot.

291. Can you inform the Committee how long it was after the passing of the Act, before any revenue was derived from the construction now put on these words, "with the same cattle and carriage"?—It was immediately after the passing of the Act.

292. That the revenue was derived?—Yes.

293. Can books be produced to show what revenue was derived immediately after the passing of the Act?—I am not aware that they can for so long a period back; but the books of the Post-office can establish it; it was paid for a period of 21 years, and unhesitatingly paid.

294. From your experience as a coach proprietor and lessee of tolls, do you conceive these words, "with the same cattle and carriage," meant, at the time of passing the Act, a change of horses while going along the road, or did they apply to the going and returning of the carriage?—The question is very explicitly answered in the opinions before you of the counsel.

295. In so far as I have read the opinions of the counsel, no such question as I have now put to you has been put to any one of them; I am desirous of having a reply from you, if any can be afforded?—It is very evident from the answers given, that they took a different view of the question from what the Honourable Member has adopted; and in confirmation of that opinion, I beg to refer to the minute of the Lords of the Treasury in April 1824, in which they completely admit the right and order the payment of it, and that it should be continued during the continuance of Mr. Taylor's contract.

296. Is the minute of the Treasury you allude to in the report of 1832?—I believe it is; it is in Mr. Taylor's case.

297. Sir *C. Coote.*] If at the time of the passing of this Act a charge of nine gates only was considered a sufficient remuneration for keeping the road in repair, what has since occurred to occasion an increased charge of 13 gates?—I am not aware.

298. *Chairman.*] Supposing the present Act you hold under was repealed, under a settlement awarded to you as a contractor and lessee, by a jury or other competent means, would you, as a road contractor, give your opinion you would require more or less to maintain a road having a turnpike every five miles instead of every 10, as originally covenanted for on these roads?—I consider that I have already answered that question; a set of horses could not go so quick on a 10-mile stage as one of five.

299. Would it not, in point of fact, be a great convenience to the public, that carriages passing along a line of road such as between Dublin and Limerick, should, if possible, pay the whole duty at one gate instead of 10 or 20?—It could make no difference to the contractor, but it might open a door to fraud and evasion.

300. Mr. *S. O'Brien.*] Are you still disposed to treat with the Treasury or the

the Post-office, or any competent authority, for the surrender of your interest in this road?—Yes.

301. On reviewing the estimate produced in 1832 of your interest in that road, and the compensation that ought to be given to you for it, would you suggest any change of principle on which the estimate or compensation should be formed?—It would not be for me to presume to estimate the mode or form of compensation; we would expect it to be just.

302. Has there been any material variation in the revenue from the tolls since that period?—There probably has, but I am not aware of the amount.

303. Are there any other observations you wish to make, or questions which you would suggest as proper to be put to Sir Edward Lees, than what is contained in the statement put in by you?—No, it comprehends all that occurred to me on reading his statement.

Mr. *George Taylor*, called in; and Examined.

304. *Chairman.*] HAVE you anything to state to the Committee in addition to what you have already stated?—In answer to the question respecting our reasons for abating the tolls generally, I wish to state, we made those abatements with a view to our interest, as the stage-coaches on the road are all for shorter distances than the mails; the amount of toll for 27 miles is an important portion of the expenses they are under, and such conveyances being frequently increased and diminished in number according to the travelling, care must be taken not to press upon them an amount of toll that would operate to diminish their numbers, which would create discontent without advancing the contractor's interests; none of these considerations apply to the mails, and the contractors therefore make no abatement to them of the full toll allowed by law, but unfortunately there does not exist the same means of redress against the mails as against stage-coaches, viz. shutting the gate till the tolls were paid.

305. Mr. *S. O'Brien.*] In looking over the case submitted on your part, there is a slight variance between it and what you stated the other day; I understood you to state the other day, that you had not, after the passing of the Act of 1811, applied to the Post-office for the 4*d.* toll, whereas in the case, as given in, it is stated there was an application made on your behalf?—What I referred to generally was, an application on behalf of all these lessees. Mr. Bourne had certainly applied, and I cannot imagine that my father and uncle, at whose solicitation the Act of 1811 was passed (and it was attended with considerable expense to get it passed), that they should neglect the matter after having accomplished their object at so great an expense and trouble to themselves.

306. Then is the Committee to understand when you stated an application was made to the Post-office, you stated that on the presumption that they would have done so?—As far as regards my father and uncle, they were aware that Mr. Bourne was applying for it.

307. Did Mr. Bourne assist your father and uncle in paying the expense of getting the Act of 1811 carried?—Not that I am aware of; the expense I alluded to was coming to London and so forth. I do not allude to the other expenses.

308. Did the agent for the Messrs. Taylor draw up the Bill?—No.

309. He merely assisted in getting the Bill passed?—To solicit the passing of the Bill for their protection.

310. Upon the ground of the 5*s.* penalty Act having been repealed?—Yes; having been repealed without regard to their contract.

311. You have already stated you never did exact the 4*d.* additional toll; that is, you have never been able to exact it?—No, we never exacted it.

312. You claimed it from the Post-office, and they refused the payment; in point of fact, you never received any payment for the 4*d.* additional toll?—No.

313. I find in this memorial a statement, that the Messrs. Taylor applied to the Post-office for the payment of the 4*d.* additional toll?—If it is stated in the memorial, it is correct; it is my father's statement, who was in the management of the road at the time; I spoke before only to what was within my own knowledge.

314. Mr. *Hamilton.*] Do you know anything as to the circumstances under which the Act passed; were you in the management of the road at that time?—I do not; I have read some of the correspondence at that time; the Act was

Mr. *George Taylor*. 26 June 1837.

passed on their solicitation, and on the representation that the contract had been violated by the repeal of the 5*s*. penalty.

315. With respect to what description of coaches was the contract violated; was it with respect to the mail-coaches, or with regard to the stage-coaches?—The contract was violated generally; the toll of 5*s*. a horse applied both to the stages and the mail-coaches, as we were advised, if the mail should be set up to carry more than a certain number of passengers, of course our contract would be violated.

316. *Chairman.*] In point of fact, the inventor of mail-coaches, Mr. Palmer, originally set them up to carry four insides and one out, and for many years they did not exceed it; but in Ireland they now carry four insides and three out, and in Scotland they carry four insides and four out, and in England the mails carry four insides and three outsides; therefore it has appeared to me that the 5*s*. penalty Act which applied to nine passengers, never could apply to seven or eight, which is the utmost limit they have been allowed to carry in any one of the kingdoms?—I think the very difference that exists between the three kingdoms shows a modification of Mr. Palmer's, or the original contractor's idea was admissible.

317. In what way?—That there are various numbers allowed in each of the kingdoms.

318. But they never did reach nine?—Mr. Palmer limited them to a smaller number than they are now allowed to carry.

319. But they never came within the range; therefore the 5*s*. penalty never could apply to mail-coaches?—The Act did not, in practice, apply to them, as far as I know.

320. Do you wish to state anything in addition to the evidence you have already given?—Yes, I wish to state the way we might be entitled to receive even the penal toll of 5*s*. from the Post-office, and in this way: if the Post-office contractor should, contrary to his contract, exceed the number allowed by his Act, and our Act, the Post-office would be bound to pay us the 5*s*. penalty; the contractor, exceeding the number, would subject him under our Act to the payment, and the Post-office being obliged to pay the toll, would be obliged to pay that 5*s*.

321. Nevertheless, under the 5*s*. and the 4*d*. Acts, you have never as yet received anything?—Not anything.

Jovis, 29° die Junii, 1837.

MEMBERS PRESENT.

Sir C. Coote.	Sir R. Musgrave.
Mr. G. Evans.	Mr. D. O'Callaghan.
Sir Robert Ferguson.	Mr. Morgan O'Connell.
Mr. Hamilton.	Mr. Wallace.

ROBERT WALLACE, Esq., IN THE CHAIR.

Mr. *Richard Bourne*, called in; and Examined.

Mr. *R. Bourne*. 29 June 1837.

322. *Chairman.*] YOU are lessee of the roads and tolls between Limerick and Naas?—I am.

323. You are aware that evidence has been given by your brother, Mr. Frederick Bourne, respecting those roads?—Yes, but I have not read all the evidence.

324. Have you anything to add to his evidence?—I am not prepared to make any addition.

325. Mr. *Hamilton.*] You had some communication with the Treasury on the subject of your claims in 1834?—Yes.

326. I find

326. I find a letter addressed to you by Mr. Baring on the 20th August 1834, in which he submits to you the alternative of your claims being determined either on the legal construction of the Act of Parliament or the principles of equity?—Yes. Mr. *R. Bourne.* 29 June 1837.

327. It appears by the subsequent correspondence of yours, you selected its being decided on strict law?—Yes.

328. What was done in consequence of that arrangement?—An order was made for the payment of the money that we solicited on the 4*d.* toll.

329. Was it not referred to some legal authority in consequence of that arrangement?—I understood from Mr. Baring it had been so.

330. Have you seen the report, in consequence of that reference, made by the solicitor of the Treasury?—I have not.

331. I find subsequently, in a letter of the 25th October 1834, that the account was referred, by the consent of Government and yourself, to an actuary; was that the case?—I was not aware it was referred by Government to an actuary.

332. I see it is stated that you submitted "the accompanying case to an actuary of great professional and practical science, who, assuming the principle laid down by your Lordships of computing the accounts on both sides at 5 per cent. simple interest, has ascertained the balance to be 7,318*l.* 12*s.* 4*d.*"?—Yes.

333. Was that balance paid you in consequence?—I believe so. I am not prepared to say the exact balance; I do not know the exact sum, but I presume it was so.

334. Has Government since that continued to pay the 4 *d.* toll?—Yes.

335. It has been stated that your company ran a coach on Messrs. Taylor's road without the 4 *d.* toll being exacted; is that the case?—Yes.

336. Was there any consideration, directly or indirectly, for the non-levying of that toll?—Not any.

337. The Messrs. Taylor had no coach travelling on your road?—No.

338. So that, in point of fact, that was not the consideration?—No.

339. Explain the reason for their not levying the toll?—We were anxious to obtain another line of road, by which the Naas road would be avoided, and considerable progress was made, in order to get a line by the Fox and Geese Common and near Lyons, and to get on the Limerick road at a place called Lady-lane.

340. Who were the promoters of that proposed line?—My brother chiefly; I was not engaged in the Limerick coaches at that time.

341. Were the Messrs. Taylor opposed to that line?—Very strongly.

342. Was the line abandoned?—It was, ultimately.

343. What led to its abandonment?—From the arrangement I mentioned to you.

344. *Chairman.*] What arrangement?—Between my brothers and the Messrs. Taylor regarding the tolls.

345. Sir *C. Coote.*] Did you expect a claim to be made by the Messrs. Taylor for the 4 *d.* for carriages which led you to run the other road; you ran the other road for some years?—Yes, but I do not know whether the 4 *d.* was paid. I was not concerned in coaches at that period. There was a very strong remonstrance made on the occasion. I imagine the 4 *d.* had been demanded and paid; I am of that opinion.

346. Mr. *Hamilton.*] Can you state whether there was any agreement between the Messrs. Taylor, that if you abandoned the project of a new line that they should not charge the 4 *d.* toll on the old one?—There was an understanding to that effect.

347. *Chairman.*] To what extent was the new road made?—Part of it was made from Dublin to the Fox and Geese Common.

348. Mr. *Hamilton.*] What year did that arrangement take place in?—I do not recollect.

349. About how long ago?—I suppose 14 or 15 years; I should imagine so.

350. You do not know whether the 4*d.* was paid?—I believe it was.

Mr. *Frederick Bourne,* called in; and Examined.

351. Mr. *Hamilton.*] CAN you inform us whether at the time previous to the project of the new road, the 4 *d.* toll was levied by Messrs. Taylor from any Mr. *F. Bourne.*

Mr. *F. Bourne.*

29 June 1837.

of your coaches?—I really do not know; but as the toll was constituted, whether it was the 4 *d.* toll, or the double toll, or the 4 *d.* for change of horses, it was so heavy that we were induced to abandon the road, and go round by Salbridge and Clane. I have no doubt the 4 *d.* toll did constitute part of this heavy charge, which amounted to 600 *l.*

352. After the abandonment of your project of a new road, were the tolls levied by the Messrs. Taylor less than they were previously?—Yes.

353. And that was in consequence of the abandonment of your project?—Yes.

354. *Chairman.*] The Messrs. Taylor agreed, provided you abandoned your project of making a new road, that they would not charge the 4 *d.* toll?—I do not know whether it went to that extent.

355. Did you, or did you not, as proprietor of coaches running between Dublin and Limerick, pay the additional 4 *d.* toll to the Messrs. Taylor?—I have already answered, without positive information or remembrance on the subject, I believe we did.

356. Would your books show whether you had or not?—I dare say they would.

357. In the event of a further scrutiny, can you prove whether or not the 4 *d.* toll was paid by you and received by Messrs. Taylor?—I have no doubt I can; we can tell the amount of toll; whether there is enumerated in the books the different grounds of charge I cannot venture to say.

358. The Committee are at present engaged in inquiring into the payment of the 4 *d.* toll only, unconnected with the usual rate, and unconnected with the double charge; now if a further scrutiny should take place, it will be as to the payment of the 4 *d.* by you, and the receipt of it by Messrs. Taylor, that the question will be restricted?—I have no doubt whatever that we did pay the 4 *d.* toll; whatever information can be furnished shall be done, as I before mentioned, in the most ample manner possible.

359. I understand you wish to lay before the Committee an explanation of the number of gates between Naas and Limerick; please to do so?—It appears by the Act there were nine payments to be made on the Limerick road. There is a branch of the Limerick road extending from Maryborough on to Ballyroan, which is under the Limerick Trust, and toll has been paid on that road by the Post-office, as the coach to Cork through Cashel passes through it; that makes 10 payments.

360. Then is the Committee to understand that ten payments take place between Naas and Limerick, or nine only?—Between Naas and Limerick, nine only; but upon the branch road which is under the Limerick Trust, there is another payment, on account of the Cork coach.

361. You were to give in the receipts of the Ashbourne road by virtue of a request of the Committee; do you now give that in?—I do.

[*The annexed Document was then put in.*]

RECEIPTS on *Ashbourne* Road.

Year ending		£.	s.	d.	£.	s.	d.
1832:							
March - -	Mails - - - - - - - -	146	–	–			
	Stage-coaches - - - - - -	318	3	–			
	Tollgates - - - - - - -	1,300	–	–			
					1,764	3	–
1833:							
March - -	Mails - - - - - - - -	146	–	–			
	Stage-coaches - - - - - -	305	6	–			
	Tollgates - - - - - - -	1,400	–	–			
					1,851	6	–
	Note.—Drogheda coach stopped 27th January.						
1834:							
March - -	Mails - - - - - - - -	146	–	–			
	Stage-coaches - - - - - -	272	9	–			
	Tollgates - - - - - - -	1,400	–	–			
					1,818	9	–
	Opposition Navan stopped 27th September.						

1835:				
March - -	Mails - - - - - - - -	146	– –	
	Day-coaches - - - - - - -	245	3 –	
	Tollgates - - - - - - -	1,400	– –	
				1,791 3 –
1836:				
March - -	Mails - - - - - - - -	146	– –	
	Day-coaches - - - - - - -	289	– 10	
	Tollgates - - - - - - -	1,400	– –	
				1,835 – 10
	Monaghan stopped 5th December.			
1837:				
March - -	Mails - - - - - - - -	146	– –	
	Day-coaches - - - - - - -	260	16 –	
	Tollgates - - - - - - -	1,400	– –	
				1,806 16 –

CURRENT YEAR'S INCOME.

	£.	s.	d.	
Mails - - - - - - - -	146	–	–	
Belfast day mail - - - - - - -	73	–	–	every day.
Armagh - - - - - - - -	31	6	–	three days of the week.
Dungannon - - - - - - -	31	6	–	ditto.
Wonder - - - - - - - -	31	6	–	ditto.
Navan coach - - - - - - -	62	12	–	every day except Sunday.
Drogheda car (two horses) - - - - -	31	6	–	
	406	16	–	
Tollgates - - - - - - - -	1,425	–	–	
£.	1,831	16	–	

F. Bourne, Lessee.

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No. 2.—Report made by Sir Edward Lees to the Lords Commissioners of the Treasury, relative to the Claims made by the Messrs. Bourne, Lessees of the Limerick Turnpike Road, and of the Messrs. Taylor, as Lessees of the Kilcullen Turnpike Road, for Arrears of Tolls alleged to have been withheld from them by the Post-office Department in Ireland.—14 April 1836 - - - - - - - - - - - - - p. 42

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APPENDIX.

Appendix, No. 1.

COMMUNICATION from Sir *Edward Lees*, late Secretary to the Post-office, *Dublin*, to the Treasury, on the subject of Turnpike Roads and Tolls in *Ireland*.

No. 1. Communication from Sir E. Lees to the Treasury, 19 Dec. 1832.

I PERFECTLY coincide in the opinion given by Lord O'Neill on the memorial of Mr. Bourne; and, notwithstanding the very strong and important legal opinions bywhich the claim set forth in that memorial is supported (opinions demanding every respect), I consider the claim, under all the circumstances that surround it, to be the most extraordinary, the most unjust and the most improper ever made on the public purse;—a claim which, 21 years ago, I thought for ever set at rest, and which I feel has been now revived only because, in the opinion of Mr. Bourne, the circumstances under which it was opposed may be forgotten, that documents may be lost, parties whose opinions were hostile to it may be either dead or so placed as to secure him from farther opposition from them. Since the year 1811, when the Postmaster-general of Ireland resisted, and fully stated his reasons for so doing to Government, Mr. Bourne never once renewed this claim; why he does so now, the Lords of the Treasury shall know before I finish this paper.

Mr. Bourne and the late Mr. Anderson obtained a contract for conveying the mails between Dublin and Limerick for 30 years. In 1793 they obtained an Act from the Irish Parliament vesting in them, for 30 years also, the tolls of the road from Naas to Limerick. 33 Geo. 3, c. 32.

Mail-coaches had previously been established on the Cork and Belfast lines of road, both of which lines, as well as that to Limerick, had been permitted to get into such a state of disrepair as to demand more than ordinary measures to ensure the continuance of the mail-coach system, then for the first time introduced into Ireland. To this end, a circular letter was addressed, by command of the Lord-lieutenant, to the grand juries of the kingdom, calling their attention to the subject; and as an immediate and available fund was necessary for placing the public roads on which coaches had been already established, as well as those on which it was desirable to establish them, in a proper condition, a clause was for the first time introduced into the Post-office Act of Parliament (1790) subjecting mail-coaches to toll duty. Previous to that period they had passed free of toll, as they do still in England. 30 Geo. 3, c. 15.

This subjection of the Post-office revenue to toll duty was for the special purpose of putting the roads in such a condition as should enable the mail-coaches to travel with the necessary safety and expedition. Mr. Bourne does not venture to assert (for he cannot do so correctly) that the Irish Parliament contemplated this as a permanent measure of impost: it could not have done so. The Post-office Act was a revenue Act; it had, of necessity, annually to receive the sanction of the Legislature. The same authority that had in the year 1790 enacted the clause rendering mail-coaches liable to the toll duty might have expunged it the year following, or at any period it thought proper to have done so. Nay, it ought to have done so the very moment that the object for which the tax had been laid on had been accomplished; namely, the placing the roads in a sufficient state of repair. The tax was general. It was made applicable to all roads on which mail-coaches were running in 1790. It had no particular reference to the Limerick road; indeed I should rather say the Limerick road was not even contemplated in the Act, for as yet no mail-coach had been established upon it. I may therefore presume I have shaken the foundation of Mr. Bourne's extraordinary claim to the existence of any vested right against the revenue of the Post-office. Such right could, at all events, only have existed so long as Parliament had judged it necessary to subject the Post-office to toll duty. The right, therefore, was not permanent, for it might have been cancelled at any moment during the sitting of Parliament. Does Mr. Bourne pretend that Parliament might not, and that it ought not, to have so done so soon as the necessary improvements on the roads had been effected? In making his subsequent contract (if I may so call it) in 1793, therefore, with the Parliament, he obtained the Act of that year subject to that contingency. There is not a syllable in the Act to justify an opinion even that the Post-office revenue was to be affected differently by the Limerick road from any other in the kingdom. There is not a word on which he can found a pretence, that during the 30 years of investiture of the tolls the Post-office was intended to continue permanently to be taxed. If it had been so intended it would have been so stipulated, and his interest would have been specially secured against that contingent exemption from toll duty to which mail-coaches were liable on every other road in Ireland. To what extent, therefore, do Mr. Bourne's vested rights go? 33 Geo. 3, c. 32.

The very clause in the original memorial to the Irish Parliament on which his Act of Investment was founded, expressly seeks as an adequate security for the repayment of the sum of 2,000 *l.* which he alleged he had then expended, and of the 27,000 *l.* which he promised farther to expend in improving the road, " that the tolls on the Limerick road should

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be made equal to those on part of the northern and other roads." Even at this day the tolls for the conveyance of the mails between Dublin and Belfast, a much better road, too, than that to Limerick, do not exceed, for the mail-coach, 595 *l.* 12 *s.* a year, while the Limerick tolls that are paid amount to, I believe, 1,000 *l.*

33 Geo. 3, c. 32.

At this rate the 16th section of his Act establishes the amount to which, by his own showing, the mail-coach became subject; viz. to a duty of 2 *s.* 2 *d.* once in each 24 hours at each pay-gate. Any payment in excess of this I maintain was beyond his stipulated and understood bargain with the Parliament of Ireland, because it exceeded in amount what was payable on the northern and other roads, and yet the very following section provides,

33 Geo. 3, c. 32, s. 17.

"And be it further enacted, that from and after the passing of this Act, and during the continuance of the same, it shall be lawful for the said John Anderson and William Bourne to demand and take at any pay-gate, for any stage-coach or other carriage plying for hire, or conveying persons for hire, which shall convey at any one time on any one part of the said road more than six persons inside, or more than three persons outside besides the driver of any such coach or other carriage, 5*s.* for every horse or other beast drawing the same, in addition to the toll hereinbefore directed to be paid every time such coach shall pass through any of the said gates."

A more unjust or more oppressive clause (if it was intended to be operative) it is impossible to imagine than this is; and one can only conclude that it found its way into the statute by reason of there having been in the Irish Parliament no such officer to watch over the interests of the public as my Lord Shaftesbury is in the United Parliament. Can it for a moment be imagined, that in order to indemnify the contractors for an advance of 29,000 *l.*, that, in addition to all other tolls legally chargeable, a right was vested which in its operation would have yielded to them on a single carriage for 30 years the enormous revenue of 9,709 *l.* a year, travelling daily between Naas and Limerick. The bare idea of such a right is preposterous; and yet on the asserted existence of such right by the Irish, and the subsequent withdrawal of it by the United Parliament, Mr. Bourne now seeks to found a claim against the Post-office, endeavouring to establish as fact, that a reduced rate of toll, afterwards granted in lieu of what was obtained under this absurd and inoperative clause, was intended to apply to mail-coaches, although he does not and cannot pretend that the five shilling clause either did or could have applied to mail-coaches; it is impossible; the foundation of this claim is absurd, and the superstructure is unjust.

It is evident, by the five shilling clause in the Act of 1793, one of two things was intended, either that the Legislature meant it as a measure of police, as a means of preventing public carriages from being overloaded by passengers in the then dangerous state of the roads, or it must have been (and if so, most iniquitously) introduced at the instigation of the contractors for the roads (who, it must be observed, were also contractors for the conveyance of the mails), with a view to the entire and exclusive monopoly of passengers in their own carriages. I can understand the Irish Parliament enacting such a provision as a measure of police, in order to secure the lives of his Majesty's subjects. I can understand interested parties introducing such a clause to answer their own interested ends; but then it is certain that to secure the one or to affect the other, the clause must have been inoperative, unless we can suppose that any speculator would have been insane enough to have established a stage-coach in opposition to the mail, on which, if he carried more than three outside passengers, he would pay a toll-duty of nearly 11,000 *l.* a year. In either case, however, I consider the result fatal to Mr. Bourne's present renewed claim. As a measure of police, it was successful, for it prevented the establishment of any dangerously loaded carriage. It therefore did not augment Mr. Bourne's tolls. As a measure of monopoly, it benefited Mr. Bourne as a coach proprietor, but it did not add anything to the funds of the said road from toll-duty. But even supposing the Irish Parliament to have been corrupt enough to have intentionally enacted this clause in order to confirm to Mr. Bourne a monopoly of passengers, even this admission (which I am far from allowing) can constitute no ground for claim against the Post-office revenue for tolls on mail-coaches; because Mr. Bourne's mail-coach contract did not warrant him to carry more than four inside, and he was restricted to less than three outside passengers.

In this state, then, Mr. Bourne's interest in the Limerick road remained from the year 1793 to the year 1798, and then a change took place of so extraordinary a nature, and in its effects so seriously injuring the public, that I cannot but attract the particular attention of the Lords of the Treasury to it; for I feel convinced that a more barefaced act of injustice (to afford to it the lightest appellation) was never before contemplated even in the Irish Parliament. During that eventful year of political commotion, and at a moment when the minds of all men were engrossed with the public disturbances of the kingdom, an Act received the Royal Assent on the very last day of the session, intituled, "An Act to explain and reduce into one Act the several Laws for making and repairing the Turnpike Road leading from the City of Dublin to Kilcullen-bridge, in the County of Kildare, to the Twenty-first Mile-stone westward of said Bridge, and prolonging the duration of the Act for the improving the Road from Naas to Limerick, and for the further improvement of the Road from Kilworth Mountain to the City of Cork."

Here, then, is an Act, and rather a voluminous Act, prepared, not only ostensibly but virtually, and containing numerous provisions for the due maintenance of a small portion of the road from Dublin to Cork. And in the very last clause of this Act what do we find? Why, nothing more or less than a legislative enactment, confirming to Messrs. Anderson and Bourne an extended term of no less than half a century from the year 1798, in their interest in the Limerick road; thus granting to them a prolongation of their monopoly of

25 years

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25 years beyond what they had obtained under the Act of 1793. What advantage, I would ask, did Messrs. Anderson and Bourne give to the public, or what corresponding benefit was even promised to the public by them, for this extraordinary boon thus suspiciously obtained by them, and which, for so unreasonable a period, continued their monopoly. I cannot but regard with a most suspicious eye the very irregular manner in which, by way of parenthesis, the insertion of the Limerick road is introduced into the preamble of this Act. Mr. Anderson was joint contractor with Mr. Bourne for the conveyance of the Limerick mail; he was also contractor for the mail-coach between Dublin and Cork; their spirit, as coach proprietors, was alike; and they had the same interest in maintaining the principle of monopoly of passengers; and hence we find introduced into this Act a clause of the same nature as the Act of 1793, provided on the Limerick road, authorizing a toll duty of 5*s.* at each gate, on each horse drawing stage-coaches or other carriages for hire, carrying passengers in number more than six inside and three outside. I attach great importance to this fact, in my resistance to Mr. Bourne's claim, as will appear in the sequel to this statement, where I advert to other Acts which bear upon the case.

33 Geo. 3, c. 83, s. 37.

It is not surprising, therefore, that a provision so oppressive as this was should have attracted the notice of the Irish Government; and accordingly we find, that in the year 1810 (when the greatly-improved condition of all roads justified, and the increasing intercourse of the country demanded, the discontinuance of the limitation of passengers which, in 1793, was necessary), the then Chief Secretary for Ireland, the present Lord Maryborough, obtained an Act repealing this obnoxious clause.

50 Geo. 3, c. 32.

It is very true, that from representations made to Lord Maryborough, he did, in the subsequent year, bring in another Act repealing the 50 Geo. 3, c. 32, and reviving the 5*s.* clause on both the Cork and Limerick roads; but by whom were those representations made? by the very parties interested, as coach-proprietors (not as road-contractors with vested interests), in preserving a monopoly of passengers in the mail-coaches. Lord Maryborough then restored the inoperative clause, which never had, and from its principle never could have, contributed one farthing to the funds of the road.

51 Geo. 3, c. 40.

Mr. Bourne says, "But the Government feeling, on consideration, the injustice of abrogating rights which had been confirmed to your memoralists by two Acts of Parliament, without making equitable compensation for the same, passed in the next session of Parliament, 51 Geo. 3, c. 40, at the instance of the then Secretary for Ireland, restoring to the road contractors all the rights and privileges of which they had been deprived; and then, with the concurrence of the parties interested, a second Act was passed in the same session, by which it was provided that, instead of 5*s.* per horse drawing coaches, &c. with more than six inside and three outside passengers, a toll of 4*d.* per horse should be levied on all carriages carrying passengers for hire, waggons only excepted."

33 Geo. 3, c. 32. 38 Geo. 3, c. 83.

"Injustice of abrogating rights!" These are high-sounding words; and if I could recognize the extinction of any right which Mr. Bourne possessed, and the forfeiture of which entailed on him a loss, I might be induced to acquiesce in the inference which he draws, and admit that the Chief Secretary for Ireland was induced to substitute the 51 Geo. 3, c. 92, by way of equitable compensation for repealing the Act of the 33 Geo. 3, c. 32.

Now a measure of compensation necessarily implies the infliction of some previous penalty, or the sustaining of some actual deprivation; and before I subscribe to Mr. Bourne's inference, he must show me where he sustained any pecuniary loss, and the amount of it; he must show me what coaches ever travelled between Naas and Limerick besides his own that conveyed more than six inside and three outside passengers; he must show me more than this, for he must show me what toll-duty the proprietors of any such coach paid under the Act of 1793 to the funds of the road, that authorized him to tell the Chief Secretary for Ireland that his bargain with the Irish Parliament was violated by the repeal of the 17th section of that Act. He can show me no such thing. The fact is, he did not tell to Mr. Wellesley Pole what Mr. Pole should have known, who, determined as he was to break through the monopoly which Mr. Bourne had usurped through that unjust clause, readily acceded to Mr. Bourne's proposition of substituting a tax, 4*d.* a horse in lieu of 5*s.* Mr. Bourne knew that he never had, and never could receive 1*s.* under the 5*s.* clause, and therefore he readily accepted the reduced impost, expecting that stage-coaches might be established, and that it would be better to get 584*l.* increased toll-duty than receive nothing. Thus then Mr. Pole brought in the Act of the year 1811.

51 Geo. 3, c. 92.

But where is the proof that Mr. Pole as an individual, or the Legislature as a body, ever intended that it should affect the revenue of the Post-office, by applying to mail-coaches. The Act of 1793 applied not to mail-coaches, but to stage-coaches. The Act of 1798 expressly applied to stage-coaches. The two acts of 1810, both in their preamble and their body, distinctly applied to stage-coaches. The Act of 1811 is expressly styled "An Act to repeal certain parts of several Acts of the Parliament of Ireland relating to Tolls on Stages carrying above a certain Number of Passengers, and to make other Provisions in lieu thereof."

But Mr. Bourne says "Your memorialist humbly submits that had the Legislature contemplated to have relieved mail-coaches from the payment of this toll, they would have been expressly exempted."

Mr. Bourne may think so, but I think differently; and I am of opinion that the Legislature, in repealing a law that did not tax mail-coaches, but expressly applied to stage-coaches, and stages only, had it intended that the statute (which was enacted as a substitute) was to tax mail-coaches, would have expressly included them; nay more, I am of opinion that if Mr. Bourne, as one of the concurring parties to the Act, I do not say really but I say honestly, intended that either Mr. Pole should have recommended, or that Parliament

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should knowingly have sanctioned such an increased charge on the Post-office, he would have taken care that it should have been clearly and indisputably provided for. But he knew better. He dared not have done so; for he knew that, had he attempted such an imposition by an open avowal, the attention of Government would have been attracted to it, a reference to the Post-office would have ensued, the deception would have been laid open, his scheme defeated, and most probably in place of his interest in the Limerick road being enhanced (as it was by the statute of 1811) the Act of 1798, so far as the Limerick road was concerned, would have been repealed; he therefore most cunningly left the matter vague and obscure, but at the same time so expressed as to render it a matter of little surprise to me that the very high legal opinions which have sustained Mr. Bourne's claim, have been led astray by the speciousness of his statements. It must be observed that all those opinions have been pronounced on the showing of Mr. Bourne alone. They were given on the construction of a solitary clause in a solitary statute, while the legal authorities had no means, for they had no references before them, to enable them to take that comprehensive view of the subject which was necessary, and which could alone have been obtained by the consideration of all the Acts of Parliament which bore upon the case. Had this been done, the sentiments of those legal gentlemen, I feel, would have been the reverse of what Mr. Bourne represents them to have been.

51 Geo. 3, c. 92.
38 Geo. 3, c. 83.

It may be worth while adverting to those opinions. Some of them are strangely, and others not very confidently expressed.

Mr. Saurin, the late Attorney-general, distinctly says: "No doubt that mail-coaches and post-carriages are within the Act, and liable to the extra 4*d.* for every horse drawing either of them."

Mr. Bushe, the present Chief Justice, says, "This Act is rather strangely expressed; but, I think, upon the true construction of it, mail-coaches and post-carriages are subject to the additional toll."

In seeking the opinion of the late Mr. Parsons and the present Judge Vandeleur, Mr. Bourne himself admits that he submitted nothing to those gentlemen but the Act of 1811.

51 Geo. 3, c. 92.

He says he submitted the whole case to the present Chancellor for Ireland, Lord Plunket, but he has not set forth what he considered his whole case.

Did he tell Lord Plunket what *bonus* or equivalent he gave to the public on obtaining the extension of his tenure of the Limerick road by the Act of 1798?

38 Geo. 3, c. 83.

Did he acknowledge to Lord Plunket that by the repeal of the 5 *s.* clause of the Act of the year 1793, he never sustained one farthing's loss, and for the surrender of which finally he maintains he received, by the statute of 1811, the toll of 4*d.* per horse as a compensation, to be charged not only on stage-coaches, but mail-coaches, private carriages drawn by post-horses, and on hack post-carriages if drawn even by a single horse?

I am persuaded he never, in his case submitted to Mr. Plunket, acknowledged any such thing; and this alone, in my opinion, should have constituted his claim to the interposition of the Legislature in 1811, or at the present moment to the liberality of the Treasury towards the admission of this claim.

Now if the concurrent opinions of these professional authorities sustain any part of Mr. Bourne's claim, they confirm the whole, intolerable as its effect would be on the public: if the Legislature, by the Act of 1811, did not mean to confine its operation to stage-coaches, it also contemplated its application to post-chaises, hack carriages, and private carriages drawn by post-horses; nay, a gentleman's gig, drawn by a single horse, would be liable to the enormous tax of 4*d.* over and above the ordinary charges of the Limerick road, and in addition to the legal tolls of the Belfast road, which, by Mr. Bourne's own admission, was to form the standard of the charge on the Limerick road: And for what I would ask? To compensate Mr. Bourne for a loss he had never sustained!!! This is the opinion of all Mr. Bourne's legal advisers, and yet strange it is that Mr. Bourne has never, since the Act of 1811 received the Royal Assent, ventured in a single instance (as I know), to put the Act in force against a single post-coach, or post-chaise, or private carriage whatever. He dares not do so. Let him but try the experiment, and bring his case openly before the public, and if he succeed in establishing his case justly against post-carriages and private carriages "plying for hire," I shall relinquish all opposition to the claim against the Post-office mail-coaches. If, however, it is strange that Mr. Bourne has never attempted to enforce this toll against post-chaises or private carriages, is it not equally strange that though, when the 5*s.* clause in the Limerick Act was restored by the first Act of 1811, it was likewise restored on the Cork road, when, in the same session of Parliament, the 4*d.*, or horse toll was substituted for the 5 *s.*, the contractors for the Cork road, and who had interests equally vested as those of Mr. Bourne in the Limerick road, never conceived themselves authorized to prefer a claim against the Post-office for the passage of the mail-coach between Dublin and Kilcullen? Were the late Mr. Anderson and the late Major Taylor less alive to their interests, or less disposed to urge them than Mr. Bourne has ever been to prosecute his own? In 1811 I spoke to both these gentlemen on this subject, and they both assured me they felt they had no right to do so. They said more, for they declared the demand of Mr. Bourne, then made, was unjust and improper; for that, as far as they had understood the 51 Geo. 3, c. 92, stage-coaches only were intended to come under the operation of the 4*d.* clause.

51 Geo. 3, c 40.

The Treasury, therefore, I am sure will not feel surprised at the hostility with which the Postmasters-general of Ireland ever opposed this demand, notwithstanding the high legal opinions arrayed against them. Their sentiments were set forth in a representation to the Irish Government under my signature, prepared by my Lord Rosse, and very ably drawn up.

If

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If that representation was not at the time sent by the Government to Mr. Bourne, and by him kept from that period to the present, it will be found in Dublin Castle, or at the Irish Office in London.

But I feel that the Treasury will conceive it rather surprising that from the time that representation left the Post-office, though the official intercourse with Mr. Bourne was unremitting, he never once repeated his claim. During 22 years he has remained silent; and why? Does he imagine the present Treasury lavish the public money? Does he consider the Duke of Richmond and his secretaries either ignorant of the circumstances of his case, or disinclined to fathom them to their bottom? No: but he knows Mr. Anderson is dead; he knows Major Taylor is dead; he knows Lords O'Neill and Rosse are no longer in office, and that I am no longer in Ireland; that the former may be indifferent about, and that I may have forgotten, the circumstances of his claim. He has been urged, I fear, by a deeper motive than even these considerations in permitting his case to remain so long dormant, and thus now to press it on the present Government.

The contract which he had obtained for the conveyance of the Limerick mail for the very protracted period of 31 years was in force in 1811; it did not expire until the year 1823; its renewal became the subject of protracted discussion, during which Mr. Bourne never said a word of his toll claim. In opposition to the remonstrance of Lord O'Neill, and against my opinion, this contract was renewed in the year 1830 for 10 years; and having secured his interest in that material point, he now thinks he may safely and successfully prosecute his claim. I shall leave him to his fate; but every conscientious feeling of public duty forces me to declare my opinion, that Government may, without injustice to the individual, peremptorily resist this claim, and that in justice to the public a declaratory Bill should be brought before Parliament, explanatory of the objects of the Legislature in passing the Act of 51 Geo. 3, c. 3. I consider the Treasury called on to go farther; I think the circumstances under which Mr. Bourne obtained his extended interest in the Limerick road by the Act of 1798 should be thoroughly sifted, and justice done to the public if it shall be discovered that injustice was done by that extension. I think the circumstances that originally required the Post-office to be subject to toll duty at all should be reconsidered, with a view to the future exemption from charge of mail-coaches. And to this opinion I am more inclined to adhere when I recollect the very serious expenses to which its revenues have been exposed since the year 1805 in conducting the operations of the post-road Acts of Parliament, and which have amounted to 60,000 *l.* for surveys alone. These Acts have placed the roads in that condition which, had they possessed in the year 1790, the Post-office would not have been charged for turnpikes; why, therefore, should it continue to be charged?

45 Geo. 3, c. 43.

To the secondary demand of Mr. Bourne, namely, with reference to the effect of the Act of the 59 Geo. 3, c. 108, my opposition is, if possible, still more decided. My objections shall be confined to a very few words. That Act was specially framed to guard the public against the opportunities which were allowed to individuals like Mr. Bourne, who combined in themselves the double character of coach-proprietors and road-contractors, of increasing their toll charges *ad libitum* by the distribution of their horses; the Postmaster-general had already felt the injurious effects of this pernicious anomaly.

Mr. Bourne himself admits that the Act of Parliament originally divided the Limerick road into ten pay-gates; but that the change of horses in the divisions had the effect of adding (against the Post-office) three additional gates of payment. Who made those changes? Mr. Bourne himself. Whose were the horses? Whose were the coaches? Who had the distribution of the stages? Who had the benefit of the intercourse? I say Mr. Bourne. And therefore I say Mr. Bourne, as mail-coach proprietor, had no right so to distribute his horses for the very purpose of putting money in the pocket of Mr. Bourne, as road-contractor. The horses and carriages passing through each and every division belonged to the same proprietor; the passengers were the same; there were no new fares paid to separate interests; his road was liable to no increased deterioration; everything was done by himself, and for his own benefit; nay, I say more, at his own instance, for he himself proposed the acceleration to the Post-office, and therefore the Postmaster-general acted wisely in calling for the interposition of the Legislature in 1819, and obtaining the statute of the 59 Geo. 3, c. 108. I maintain there is no infringement on the rights which Parliament intended to confer on Mr. Bourne, nor has any injury been inflicted on him. Let him show where the infliction lies, and where he has sustained any loss.

It is very true the Postmaster-general did take advantage of this Act, and did deduct from the payments for tolls, previously made to Captain Taylor for the passage of the mail between Dublin and Kilcullen, for the changing of horses between certain divisions. It is very true their Lordships resisted as long as they could the claims put forth by Captain Taylor to the money. It is very true that the Treasury did, in its liberality (though against the law), admit Mr. Taylor's claim; but why did they do so? Because Captain Taylor was not, what Mr. Bourne was and is, a mail-coach proprietor; because Captain Taylor had no interference with the distribution of the stages, and had no interest in the arrangement of the horses of the Cork mail-coach, and to do what Mr. Bourne had a direct interest in planning, and the power to execute, namely, so to place his horses as to bring the changing of horses within the divisions, expressly with the view to enhance the demand against the Post-office.

Edward S. Lees,
Late Secretary of the General Post-office of Ireland.

General Post-office, Edinburgh,
19 December 1832.

Appendix, No. 2.

No. 2. Report of Sir Edward Lees, 14 April 1836.

REPORT made by Sir *Edward Lees* to the Lords Commissioners of the Treasury relative to the Claims made by the Messrs. *Bourne*, Lessees of the Limerick Turnpike Road, and of the Messrs. *Taylor*, as Lessees of the Kilcullen Turnpike Road, for ARREARS OF TOLLS alleged to have been withheld from them by the POST-OFFICE DEPARTMENT in *Ireland*.—14April 1836.

Naas to Limerick road, 1793.

IN the year 1793 Mr. William Bourne and the late John Anderson, Esq. made an arrangement with the Irish government, for the purpose of keeping in repair the road leading from Naas to Limerick, in order to enable them more expeditiously and effectually to convey the mails from Dublin to Limerick, for which they were contractors; they obtained an Act from the Irish Parliament vesting in them the tolls of this road for the period of 31 years, to indemnify them for their advances.

33 Geo. 3, c. 32. App. p. 9.

Roads in disrepair.

Previously to this period mail-coaches had been established on the Cork and Belfast lines of road; both these lines, as well as the line of road to Limerick, had been permitted to get into such a state of disrepair as to demand more than ordinary measures to secure the continuance of the mail-coach system, which had but recently been introduced into Ireland; for this purpose a clause was inserted in the Post-office Act of Parliament, passed in the year 1790, subjecting mail-coaches to toll-duty, although previously to that period they had passed free of toll, as they still do in England.

Post-office Acts temporary, and tolls.

There is no reason to believe that the Irish Parliament contemplated this as a permanent impost, because the Post-office Act was a revenue Act, and as such required to be annually renewed; and the object in view in subjecting the revenue in that department to toll-duty, was simply for the purpose of putting the roads in such a condition as to enable the mail-coaches to travel with the necessary safety and expedition. So soon as the necessary improvements had been effected upon the roads the Legislature might have exempted the mail-coaches from toll-duty as before; and there can be no doubt that all road contractors, who made arrangements with the Government for upholding the public roads on condition of receiving a lease of the tolls, obtained their contracts subject to that contingency.

Lessees to repair roads for tolls.

At the time when Messrs. Bourne and Anderson became lessees of the Limerick road, they presented a petition to the Irish Parliament, setting forth that they had expended 2,000 *l.*, and that they were willing to expend 27,000 *l.* more in repairing and upholding the road, upon having the tolls made equal to those on part of the northern and other roads, and assigned to the petitioners for the term of their agreement. By this arrangement the mail-coach became subject to the toll of 2 *s.* 2 *d.* once in each 24 hours at each pay-gate, this being then the rate established on the northern and other roads, and in strict conformity with the contract entered into with Messrs. Anderson and Bourne; accordingly, by the 33d Geo. 3, c. 32, s. 16, it was provided that this toll-duty should be payable by mail-coaches, and no more.

33 Geo. 3, c. 32, s. 16. App.

Claims as affected by the statutes.

Before proceeding further it may be remarked, that in considering the claims of these parties it is of essential importance to attend to the provisions of various Acts of Parliament upon which they endeavour to found these claims, because very serious consequences have arisen from their true import and their various bearings one upon the other not having been maturely reflected upon; for this reason it has been deemed advisable to make extracts from the different statutes in so far as they bear upon the points of dispute to which reference is here made.

Toll duty.

It has been already stated, that by the 33d Geo. 3, c. 32, s. 16, a certain sum was declared to be payable by mail-coaches and other carriages at each time they passed through a pay-gate; but in this and in every other part of that Act the payment of toll-duty is made to depend upon the fact of the carriage passing through the toll-bar, and no additional payment is authorized for any change of horses which may take place between the divisions. On the contrary, the whole road is divided into nine divisions or pay-gates by the 9th and 24th sections of that Act; and by the 26th section, it is expressly declared, "that no person should be liable to pay any of the said tolls aforesaid more than once in the same day within the same division;" and by the 27th section, immediately following, this provision is carefully repeated in the following terms: "That in order to pass free in manner aforesaid through each respective pay-gate, it shall be necessary to pay once in each day as aforesaid in each division respectively in which said pay-gate is placed, there being but one payment required in any one division."

s. 26.

s. 27.

Stage-coaches. s. 17.

By another provision in this Act, section 17, which is applicable only to stage-coaches, it was declared that it should be lawful for the said John Anderson and William Bourne to demand and take at any pay-gate, for any stage-coach or other carriage plying for hire or conveying persons for hire, which shall convey at any one time, on any one part of the said road, more than six persons inside or more than three persons outside, besides the driver of any such coach or other carriage, 5 *s.* for every horse or other beast drawing the same, in addition to the toll hereinbefore directed to be paid, every time such coach shall pass through any of the said gates." This provision could not apply to mail-coaches, because by the contracts of the Post-office they were not allowed to carry more than four inside passengers. The additional toll-duty did not operate as a source of toll revenue, but it acted

Not to mail-coaches.

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acted as a prohibition against stage-coaches carrying more than a limited number of passengers, and thus secured to the mail-coach contractors the monopoly of running public coaches on the Limerick road, for it cannot be supposed that any speculator would have been so insane as to have established a stage-coach, on which, if he carried more than three outside passengers, he would have had to pay a toll-duty of nearly 11,000 *l.* a year; hence, although the prohibitory tolls might have benefitted the contractors, by securing their monopoly as coach proprietors, or might have operated as a measure of police by preventing the establishment of any dangerously overloaded carriages, it is impossible to imagine how they could have increased the toll revenue; in point of fact they never added a single shilling of toll-duty to the funds of the road.

Messrs. Taylor.

Shortly after Messrs. Bourne and Anderson obtained the above Act of Parliament in their favour, the Messrs. Taylor became partners along with them in the Limerick road, and also participated in the contracts previously made with the Government for the conveyance of the mails. This important fact appears from the evidence of Mr. William Taylor before the Committee of the House of Commons on Turnpike Roads in Ireland, in the year 1832.—(*See* Report of the Select Committee of the House of Commons, p. 184.)

Dublin to Kilcullen road, Act 1798.

In the year 1798 Messrs. Taylor and Mr. John Anderson entered into a contract with the Government for the improvement of the road leading from Dublin to Kilcullen, and they obtained an Act from the Irish Parliament by which the tolls collected thereon were vested in them for a period of 50 years. This Act was passed in the year of great political commotion, when the minds of all men were engrossed with the public disturbances of the kingdom, and had received the Royal Assent on the very last day of the session; it is entitled "An Act to explain and reduce into one Act the several Laws for making and repairing the Turnpike Road leading from the City of Dublin to Kilcullen-bridge, in the County of Kildare, to the Twenty-first Mile-stone westward of the said Bridge, and prolong the duration of the Act for the improving the Road from Kilworth Mountain to the City of Cork." From this title it appears that the Act ostensibly relates to the improvement of a part of the road from Dublin to Cork, although it contains also, by way of parenthesis, a very suspicious notice of the Limerick road. In the very last clause of this Act there is a legislative enactment confirming to Messrs. Bourne and Anderson an extension of their interest in the Limerick road for no less than half a century from the year 1798, thus granting to them a prolongation of their monopoly for 25 years beyond the period assigned by the Act of 1793. Now it is evident that this clause must have been by improper influence inserted in the Act of Parliament in 1798, without the notice required by the regulations of the Irish House of Commons, and that the public received no adequate, if any, consideration whatsoever from Messrs. Bourne and Anderson for this extension of their original tenure. This important fact appears to be satisfactorily established by the evidence taken before the Committee of the House of Commons in 1832, to which reference is here made. Of course Messrs. Taylor, as partners of the Limerick road, participated in the profits arising out of this irregular transaction. By the 38th Geo. 3, c. 83, establishing the Kilcullen road, various provisions were made similar to those in the Limerick Road Act; in particular it was declared, in section 16, that the Kilcullen road should consist of two divisions, and that at each gate in those two divisions a certain fixed toll-duty should be payable on every carriage passing through the same; but in this as well as in the previous Act the payment of the toll-duty is made to depend upon the fact of the coach passing through the toll-bar, and no additional rate is authorized to be taken for any change of horses passing through the division. By section 24 of the Statute it is expressly enacted, "That no person shall be liable to pay any of the said tolls aforesaid more than once in the same day, within the said division, with the same cattle to the carriage." Here it may be mentioned, that by the last-mentioned Act the road contractors were authorized, with the consent of the commissioners, to erect an additional pay-gate between Blackchurch Bridge and the city of Dublin, for a limited period; but it appears, from the examination of Mr. William Taylor before the Committee of 1832, (to be afterwards noticed,) that this additional gate never was erected, and that certain improvements required by the Act never were executed. By section 50 the road contractors were appointed to make a new road and bridge between the Fox and Geese to the hill above, and to erect an additional pay gate until the expense of that road and bridge should be raised, the proceeds being directed to be accounted for before the commissioners of imprest accounts, and when this expense should be so raised, the said additional pay-gate was directed to be removed. This additional pay-gate was erected by Messrs. Taylor and Mr. Anderson, under the Act; thus these gentlemen, as contractors of the Kilcullen road, were entitled by the statute to exact toll-duty permanently during the existence of their lease at two pay-gates only, in the two divisions of the roads specified in the Act; and also at a third additional pay-gate erected only for a temporary purpose, and directed to be discontinued when that purpose should be accomplished.

Extension of Messrs. Bourne's monopoly.

See Report, pa. 100. 181, and 185

38 Geo. 3, c. 83, s. 41. App. p. 10.

Powers unduly extended.

It may be added, that in the Act passed in the year 1798, the lessees took care to introduce a clause similar to that contained in the Act of 1793, authorizing a toll-duty of 5*s.* at each gate on each horse drawing stage-coaches or other carriages for hire, carrying more than six inside and three outside passengers. They were contractors for the mail-coach between Dublin and Cork, and it was their interest as coach proprietors to secure the monopoly of passengers by this prohibitory toll-duty.

38 Geo. 3, c. 83, s. 37.

For some years the Limerick and Kilcullen roads were managed by one partnership, composed of parties who participated in profits arising from the tolls, and from the contracts

for conveying the mails, according to a private agreement between themselves. In 1804 Messrs. Taylor purchased from Mr. Anderson his share in the Kilcullen road, and about that period they dissolved their connexion with the Limerick road. Mr. Bourne eventually became the sole proprietor of the Limerick road (see Report of 1832, p. 92), and, on the other hand, Messrs. Taylor became vested with the sole interest in the Kilcullen road. These facts appear from the evidence of Mr. William Taylor before the Committee of 1832.

Messrs. Taylor solely interested in Kilcullen road.

Nothing, it is evident, could be more unjust, impolitic and oppressive than the additional toll-duty of 5*s.* upon each horse for all stage-coaches and other public conveyances carrying more than three outside passengers, as already observed. This operated as a complete prohibition against all carriages of this description, and consequently no toll-duty was ever derived from this source by the road contractors, whatever benefit they might have derived from this anomalous enactment in their character of coach proprietors. Accordingly, in the year 1810, this absurd and unjust prohibition attracted the notice of the Irish government, and an Act was passed repealing the obnoxious 5*s.* clause. The lessees of the Limerick and Kilcullen roads being interested as coach proprietors in mail-coaches, immediately raised an outcry, and pretended that they had sustained great injury, and that their vested interest in the road had been infringed by this statute. In consequence of these representations, Mr. Wellesley Pole, then chief secretary for Ireland, introduced the Act 51 Geo. 3, c. 40, by which the additional toll-duty of 5*s.* was restored; and in proof of the misrepresentations by which it is evident Mr. Pole must have been influenced, reference may be made to the latter part of the first clause of that Act, wherein it is stated that the funds of the road were seriously reduced by the operation of the Act of 50 Geo. 3, c. 32, while in fact no such injury could possibly have been sustained, inasmuch as the lessees of the road never did receive one farthing of toll-duty from the 5*s.* per horse penalty. In the same session of Parliament, however, another Act was passed, namely, the 51 Geo. 3, c. 92, with concurrence of the road contractors, by which this provision was again repealed. At the solicitation of the road contractors a new provision was inserted in this Act, by which an additional toll of 4*d.* per horse was imposed, in addition to that previously paid for the mail-coaches. This claim was strenuously resisted by the Postmaster-general for Ireland, on the ground that the additional toll of 4*d.* per horse did not extend, and could never have been intended to extend, to mail-coaches. Mr. Bourne afterwards procured a favourable opinion upon his claim from several eminent members of the Irish bar, whose attention had been directed by him solely to the isolated clause in the Act of Parliament, without any reference to the other statutes or the other circumstances of the case, and in strict reference to his original contract of 1793. These opinions were communicated to the Post-office; they led to an examination of Mr. Bourne's claim, but the result of the investigation was rejected as being groundless and unjust. At this period a representation was made to the Irish government, drawn up by Lord Rosse, and subscribed by myself as secretary to the Post-office, containing a statement of the case, and the grounds upon which the Postmaster-general supported their rejection of Mr. Bourne's claim. It is to be presumed that Mr. Bourne acquiesced in this rejection of his claim, for he never at any subsequent period, that I remember, renewed his application to the Post-office in Ireland, although his intercourse with that department continued for many years to be constant and unremitting. It has been seen that by the provisions of the Limerick Road Act, passed in 1793, Mr. Bourne, the contractor, was only entitled to exact payment from the mail-coaches at a fixed rate once each day in each of the nine divisions into which the road was divided; and in like manner that, by the Kilcullen Road Act, the Messrs. Taylor were only entitled to exact payment once each day in each of the two divisions into which that road was divided, and also temporarily at a third pay-gate; it has likewise been observed, that the road contractors were not authorized by the statutes to exact any additional sum in name of toll-duty, in consequence of the way in which the coaches were horsed; that is, for any change of horses between the divisions. Notwithstanding this, it appears that Mr. Bourne, on the Limerick road, has demanded payment of toll-duty for mail-coaches, not once in each of the nine divisions into which the road was divided, but for 13 stages, as if the road had been divided in the Act into 13 divisions, or pay-gates; and he advanced this claim upon the ground that he was authorized to do so by the Act, on account of the changes of horses between the divisions. Messrs. Taylor, as contractors for the Kilcullen road, likewise made a charge for additional change of horses against the Post office; and it appears that by some singular oversight on the part of the authorities in Ireland, this illegal exaction was continued from the years 1793 and 1798, until the year 1819; and, therefore, during those 26 years, I am of opinion that both these parties have been illegally in receipt of large sums of the public money. In the memorial presented by Mr. Bourne to the Lords of the Treasury, on the 28th of June 1832, these facts are stated; and he observes, "Your memorialist was entitled, and continued to receive from the Post-office for tolls of mail-coaches, 949*l.* per annum for amount of tolls on 13 stages, calculating those upon what is termed tolls on changes, viz. change of horses, the road being separated by Act of Parliament into 10 pay divisions in the place of nine, but the horsing making the tolls payable at 13 stages, and this sum of 949*l.* per annum was by the Post-office paid from 1793 to 1819."

Five shillings a horse penalty.

51 Geo. 3, c. 40.

See App. p. 10.

51 Geo. 3, c. 92. App. p. 11.

Four pence per horse.

Mr. Bourne obtains opinion of counsel.

Claims rejected.

Illegal payments to road contractors.

As might be expected, this extraordinary exaction was felt by the Irish Post-office to be a very great grievance; but it is presumed the original statute not having been duly scrutinized, its illegality appears not to have been detected. In consequence of a contemplated acceleration of the mail-coaches in Ireland, where more frequent changes of horses were required than formerly; and to obviate any additional charges upon this account, the

Exactions on mails.

Act

Act 59 Geo. 3, c. 108 was passed, by which it was enacted, "That no mail-coach, mail-diligence or mail-cart, conveyed or employed to carry any mail or bag of letters in Ireland, shall be charged or chargeable with any tolls more than once in the same division of road in the same day, calculating from 12 o'clock at night to 12 o'clock the succeeding night, and that no change of horses shall subject any such coach, diligence or cart, to any additional toll at any turnpike-gate whatsoever." Thus the post-office authorities in Ireland, acting upon the impressions of their predecessors, erroneously assumed, that anterior to that period, mail-coaches were chargeable with additional toll, in consequence of the change of horses between the divisions of the road; and they brought in this Act for the purpose of remedying that evil, and preventing such charges for the future, while it appears that, so far as regards the Limerick and Kilcullen lines of road, no such toll-duties ought legally to have been exacted. 59 Geo. 3, c. 108.

Notwithstanding this, Mr. Bourne and the Messrs. Taylor, founding on the practice which had formerly prevailed, and proceeding upon a mistaken impression as to their rights under the Acts of Parliament, applied for compensation for the loss alleged to have been sustained by them by the supposed infringement of those rights by the Act 59 Geo. 3, c. 108. Before making these representations to the Government, they appear to have taken the opinion of eminent counsel upon the question. In the case laid before these lawyers, they assume it as a fact that they were legally entitled to exact additional toll-duty for change of horses under the previous Acts, and that this right was abrogated without any consideration being given by the 59 Geo. 3, and upon this mistaken view of the facts of the case, they obtained an opinion that they were justly entitled to compensation from Government. Messrs. Taylor, as trustees upon the Kilcullen road, presented a memorial to the Treasury, founding on the opinions which they had obtained, and claiming payment of a certain portion of the arrears alleged to be due to them for changes of horses from the year 1819 to 1824. The Treasury, like the post-office authorities in Ireland, were led to believe that Messrs. Taylor had, previous to the passing of the Act of the 59 Geo. 3, a legal right to exact additional toll-duty for change of horses, and accordingly, by a minute dated in April 1824, they decided "That the special claims of Messrs. Taylor to the tolls on the road in question, cannot in justice be set aside by the general provisions of the Act of 59 Geo. 3." In the meantime, Mr. Bourne delayed to bring forward his claims upon this account, and he was probably deterred from doing so, aware that they were liable to special objection, which did not apply to Messrs. Taylor, knowing that he combined in himself the double character of coach proprietor and road contractor, and as such had it in his power to increase his toll charges *ad libitum*, by the distribution of his horses. Compensation. App. p. 11.

After a long interval of 22 years, during which nothing had been heard of Mr. Bourne's claim, and the new order of things arising out of the Irish Post-office being transferred to London under the Act of Consolidation, Mr. Bourne presented a memorial to his Grace the Duke of Richmond, Postmaster-general of the United Kingdom, in which he again claimed payment of the arrears of tolls alleged to have been held from him on account of the mail-coaches running upon the Limerick road. Time elapsed.

There can be no doubt that Mr. Bourne had very sufficient reasons for allowing his claim to lie dormant for so long a period, and refraining from bringing it under the notice of Government: there was some risk of an investigation being made into the circumstances connected with the improper extension of his monopoly on the Limerick road, by the Act passed in 1798, and of measures being taken to do justice to the public by repealing that Act, on the ground that it had been obtained without any adequate consideration being received in return. Besides, he held a lucrative contract for the conveyance of the Limerick mails, of which he had a residue of tenure until the year 1823, and he was most anxious to obtain a renewal of that contract. While this important affair remained to be settled, and indeed, pending numerous discussions as to its renewal, Mr. Bourne took care to say nothing of his pretended claims for arrears of toll. At length his mail contract was renewed, in 1830, for a period of 10 years, and then, having secured his interest in this lucrative undertaking, it was that he ventured to submit his application to the Duke of Richmond, when the Earls O'Neil and Rosse were no longer in office, when I myself had quitted Ireland, and when the circumstances connected with his claims were supposed to be forgotten, and when some of the parties who knew best about the matter had been dead some time. I was, however, consulted at this period, and the application presented by Mr. Bourne to the Duke of Richmond was unsuccessful, for his Grace, like the Postmaster-general of Ireland, resisted his claim. Reasons for it.

Not deterred by this rejection, however, Mr. Bourne, on the 28th June 1832, pressed his claim upon the Treasury. Their Lordships ordered an inquiry, and I prepared and forwarded a report to the then secretary of the Treasury, in which I detailed the whole circumstances connected with the case, and the reasons which had induced the Postmaster-general of Ireland always to reject Mr. Bourne's demand. The Lords Commissioners notwithstanding, by a minute dated 10th October 1834, appear to have sustained the claim of Mr. Bourne for the additional impost of 4*d.* per horse, and this decision seems to have been adopted in consequence of the legal construction afforded by the solicitor to the Treasury, of the Act of 51 Geo. 3. Mr. Bourne at Treasury.

In consequence of this determination, the Messrs. Taylor, as lessees of the Kilcullen road, have presented a memorial to the Lords of the Treasury, in which they pray that their claims may be adjusted "on the same principle as acted upon in the case of Messrs. Bourne, as to the sum of 16,717 *l.* 4 *s.* 10 *d.*, and in accordance with your Lordships' Treasury Minute, No. 484. Messrs. Taylor also claim at Treasury.

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5,917, and the Acts passed of the 38th and 51st years of the reign of Geo. 3, as to the two other sums of 2,604 *l.* 1 *s.* 3 *d.*, and 19,427 *l.* 2 *s.* 4 *d.*" The large claims now for the first time brought forward by the Messrs. Taylor, may be divided into two branches; the first consists of a sum of 16,717 *l.* 4 *s.* 10 *d.*, as arrears of additional toll duty of 4 *d.* per horse, alleged to be payable to them for the mail-coach upon the Kilcullen road, and the second of two sums of 2,604 *l.* 1 *s.* 3 *d.* and 19,427 *l.* 2 *s.* 4 *d.* as compensation for loss alleged to have been sustained by an alleged infringement of their rights under the Act of the 59 Geo. 3, c. 108. As these claims stand in some respects in a different situation, it may be proper to examine them in their order: in the first place, it is presumed, that according to the fair legal construction of the Act of the 51st Geo. 3, the additional toll-duty of 4 *d.* per horse, was never intended to apply to mail-coaches, and, consequently, that the arrears now claimed upon this account by Messrs. Taylor are not due to them. It has been pretended that this additional duty of 4 *d.* per horse was imposed by the statute referred to, as a compensation for the loss sustained by the road contractors, by the repeal of the prohibitory toll-duty of 5 *s.* per horse, formerly exigible for all coaches containing more than three outside passengers. Enough has been said, however, to show that the road contractors never derived any revenue from this prohibitory toll-duty; first, because mail-coaches never paid it at all, and secondly, because it acted as a prohibition of all carriages of that description. There can be no doubt, therefore, that the Government was deceived when they were made to believe that they had sustained a loss as road contractors from this clause, and that the additional impost of 4 *d.* per horse upon all stage-coaches, was conceded by Government under erroneous representations. The provisions of the Act of 1793 evidently applied to stage and not to mail-coaches; the Act of 1798 applied also to stage-coaches alone; the two Acts of 1810, both in their preamble and their body, applied strictly to stage-coaches only; the same thing may be inferred from the title of the Act founded upon by Messrs. Taylor in 1811, which is styled, "An Act to Repeal certain parts of several Acts of the Parliament of Ireland, relating to Coaches carrying above a certain number of Passengers, and to make other Provisions in lieu thereof." By this Act the additional toll-duty of 4 *d.* per horse is imposed on stage-coaches or other carriages plying for hire, thereby meaning, it is presumed, other stage carriages carrying more than a certain number of passengers, for there is no mention whatever made of mail-coaches; and it is conceived that as the object of the statute was to repeal a law which strictly applied to stage-coaches and not to mail-coaches, these last would have been expressly mentioned, had it been the intention of the Legislature to subject them to toll-duty. Whatever ambiguity there may be in the expressions of the statute, it must be inferred that the additional impost of 4 *d.* per horse, was never intended, either by the Government or the road contractors, to apply to mail-coaches. This is clearly established by what followed after the passing of the Act, for although Mr. Bourne did bring forward in 1811 a claim against the Post-office for the additional toll-duty on the Limerick road, no claim was ever advanced by Messrs. Taylor as the lessees of the Kilcullen road, or by Mr. Briscoe, who held a lease of the road from Cork to Kilworth Mountain. What is still more extraordinary, the Messrs. Taylor never ventured to make any such claim against the Post-office, although they were in constant communication with that department from that period down to the year 1831; so far were they from making any such claim, they felt that they had no right whatever to do so. In 1811 the late Mr. Anderson and the late Major Taylor were alive; the former gentleman took an active part in the management of the mail-coaches, and felt an anxious interest in everything connected with public roads; the latter gentleman took an active part in the management of the Kilcullen road, and both of them had been consulted by me, and declared in the most unequivocal terms that the additional impost of 4 *d.* per horse was understood by them to apply only to stage-coaches, and they further stated their conviction, that the claim advanced by Mr. Bourne was highly improper and unjust. Unfortunately, both these gentlemen are dead, and it therefore may be the more important to refer to the statement which I prepared in the year 1832, upon the claim then made by Mr. Bourne, because it will be found that in that statement I made the same assertion respecting these gentlemen's assurance to me, and up to that time the Messrs. Taylor, as far as I recollect, had never set forward any claim such as they have now done for this increased toll-duty, nor was it ever expected by me that any such claim by them should have been preferred. Nothing, therefore, can be more incorrect than the statement made by them in their memorial, to the effect, that immediately upon the passing of the Act, they applied to the Post-office for the payment of the additional toll of 4 *d.* per horse, and that they had frequently brought their demand under the notice of the Post-office authorities. I am not aware of the slightest evidence that he ever did anything of the kind, and if any such evidence does exist, it has totally escaped my recollection; but in proof of the improbability of such evidence, it may be proper to observe, that although they did present a memorial to the Lords of the Treasury at a subsequent period, in which they brought under the consideration of the Government their claims for arrears of tolls in 1823 and 1824, nothing whatever was said of their present demands. This fact is established by the letter addressed by Mr. George Taylor to the secretary of the Treasury, dated the 8th of February 1836, and prefixed to the printed copy of their memorial. Now, what is the inference to be drawn from this? why, plainly, that even at so recent a period as 1824, they were perfectly satisfied that they had no right whatever to make the demands against the Post-office; they were then claiming from the Treasury the whole arrears of tolls due to them, and no satisfactory reason has been assigned for their failing to bring forward their present claims at that period. The only rational explanation which can be given of their

Government deceived.

Claims not brought before Post-office.

their conduct, is, that they were thoroughly convinced that the additional impost of 4*d.* per horse was not exigible from mail-coaches, and that they were perfectly aware of this from the beginning; and this is the more evident from the fact, that from the year 1811 to the present moment, they have never even attempted to enforce it against stage-coaches, to which it did clearly apply. This fact is established by the evidence of Mr. William Taylor, before the Committee of the House of Commons in 1832, which discloses the fact that the lessees of the Kilcullen road chose voluntarily to abate their claim to the additional duty of 4*d.* per horse, and allowed the provisions of the statute to remain a dead letter; the examination proceeds as follows, "You have by the Kilcullen Act a power of charging 4*d.* a horse additional on all horses drawing public conveyances for hire; that has been complained of on the part of coach proprietors; is that toll exacted by you? *A.* It is not; and I understand one of the witnesses examined by this Committee, the already alluded to coach contractor, when asked whether he paid the full amount of the tolls, pleaded ignorance as to this fact, a circumstance that I think he could not be ignorant of, as it would make a difference of some hundreds a year to him, and which he well knows we do not collect.—*Q.* Does Mr. Bourne, the coach proprietor, ever complain of the exacting of that toll, or of the state of the road? *A.* We do not exact that toll from him.—*Q.* Has it ever been exacted during your lease of the road? *A.* Being uncertain myself as to this fact, since my coming to London I wrote to Dublin for information on the subject, and have received the following, which is, 'We neither charge the 4*d.* a horse, nor twice in one division, even if they should change horses, as we are entitled by the Act. With regard to the 4*d.* a horse, it was never charged by us, though by the opinion of counsel the contractors were entitled to it under their particular Acts.'—*Q.* Was it ever charged to any other public conveyance? *A.* Not that I am aware of." Report, p. 191.

All this evidence has a most important bearing on the present question, for it shows that Messrs. Taylor, as lessees of the Kilcullen road, were so convinced of the injustice of the additional impost of 4*d.* per horse that they voluntarily abated their claim and refrained from exacting it from any public conveyance whatsoever. In the face of this fact, admitted by themselves, with what plausibility can they now come forward and press such demands against the Post-office? Forbearing, as they have done, to demand such a toll from stage-coaches, from post-carriages and from private carriages drawn by post-horses, by what right can they now presume to set up such a charge against the public for the conveyance of its correspondence? Is the Post-office to be alone mulct, while they dare not attempt even to tax any other portion of the community? If justice and equity cannot support such extravagant demands, the statute of limitation at all events is an effectual barrier and protection to the public interests against them. I do admit that the provision in the statute is a little vague and ambiguous when taken by itself; and I am not surprised that Mr. Bourne succeeded in obtaining the opinion of several distinguished barristers: for these opinions I entertain the most profound respect; but it is proper to keep in view that they were given upon the showing of Mr. Bourne alone on the construction of a solitary clause in a solitary Act, and those eminent lawyers had no opportunity of taking a comprehensive view of the question, arising from the consideration of all the Acts of Parliament bearing upon the case. Had they done so, and had they been aware of the circumstances already explained; had they been apprised of the conduct of the road contractors subsequent to the period when the Act was passed as explanatory of the rights of parties, it is presumed that they must have given a very different opinion upon the question; but unfortunately for the road contractors these opinions prove too much, because they imply not merely that the additional impost applies to mail-coaches, but was intended by the Legislature to extend to post-chaises, to hack-carriages drawn by post-horses; nay, according to their construction, a gentleman's gig drawn by a single hired horse would be liable to the tax of 4*d.*, in addition to the ordinary tolls exacted on the Belfast road and other roads throughout the country; an impost so excessively severe upon the public, that it is impossible that the Legislature ever could have contemplated it; and therefore it is that the parties never presumed to exact it, or ever pretended that they had a right to do so. Of this there can be no doubt whatever. Effect of evidence against claims.

But even if it were possible to admit that by any legal or equitable construction of the statute of 1811 the Messrs. Taylor could have, at any period since its enactment, laid claim to the collection of these duties, I insist upon it that they have debarred themselves of all right to do so now, after having suffered them to lay so long dormant. This delay upon their part, for which the public have no right to be the sufferers, has operated most injuriously in two ways. In the first place, it has occasioned a large accumulation of arrears, augmented by charges of interest at 5*l.* per cent. at each quarter; and, in the next place, while valuable witnesses have been suffered to die, it has prevented the Government from taking those measures which they must otherwise have taken for the purpose of protecting the Post-office from an exaction which the Legislature never intended should be levied from it, by obtaining an Act of Parliament to explain and amend the provisions in the previous statute, or, if necessary, to repeal it altogether. Nothing, therefore, can be more unjust than to permit the Messrs. Taylor, or other lessees of the roads, by their own delay, where it is attended with such serious consequences to the public, to now come forward. They well knew, that if they had attempted by legal means to enforce any such right in 1811, one of two things must have happened; either they would not have succeeded at all in a court of law, or if they did succeed, an investigation would have immediately taken place; an Act of Parliament, to do justice to the public, would have been brought in which would have deprived them not only of the additional tolls which now are sought to be recovered, but would Claims debarred by delay.

No. 2. Report of Sir Edward Lees, 14 April 1836.

would have exposed and broke through that extended tenure of interest on the Limerick line obtained, in 1798, under circumstances of much suspicion. Rather than run such risk, they chose voluntarily to forego their claims, and they ought not now to be permitted to revive them. It is more incumbent on the Government to hold them foreclosed, when it is considered that they never alluded to those claims when they applied to the Treasury in 1824 for the payment of the arrears of tolls stated to be due to them, and when an arrange ment was entered into which was considered then, both by the Government and themselves, to be conclusive against all such claims for arrears. If it be said that the Treasury is already committed by the determination which has already been given upon Mr. Bourne's claim, founded upon the same clause in the Act of Parliament, it may be answered that the Government entered into a special agreement with him without being aware of the facts disclosed in the Minutes of Evidence appended to the Report of the Committee of the House of Commons in 1832, and that Mr. Bourne had previously brought forward his claim before the Post-office authorities in Ireland, while the Messrs. Taylor never made any such demand, but, on the contrary, intimated that they had no right to do so; so that, therefore, the claim of Messrs. Taylor stands in some respects on grounds distinct from the claim of Mr. Bourne. The evidence of Mr. William Taylor, before the Committee, in 1832, justifies this assertion; besides, after the facts which have been disclosed upon an accurate examination of the Act of 1793, it is submitted that there are good grounds for a thorough revision even of Mr. Bourne's own claims, with the view of his being required to refund the money which has been so improperly exacted and obtained by him; and at all events to justify the Post-office to withhold all further payments to him for toll-duty, as lessee of the Limerick road, during the unexpired term of his interest therein.

Part of Messrs. Taylor's claim.

With respect to the claim of Messrs. Taylor to the sum of 2,604 *l.* 1 *s.* 3 *d.*, no intelligible explanation has been given by Messrs. Taylor with regard to the foundation of that claim, beyond stating that it is for toll withheld at the Kilcullen turnpike-gate, due to them under the 38th Geo. 3, c. 83, s. 16. Now in answer to this statement it is only necessary to observe, that the Post-office in Ireland regularly discharged all claims against them under this clause of the Statute, by paying toll-duty for each mail-coach once a day, at each pay-gate, in each of the divisions specified in the Act. There is no apparent ground, therefore, for this claim, and it is inadmissible, without some more satisfactory explanation. With regard to the claim of 19,427 *l.* 2 *s.* 4 *d.*, it is totally inadmissible; for it has been already shown that there exists no authority whatever under any of the Statutes to exact payment oftener than once in each division of the road, and still less to charge additional toll-duty for change of horses. I therefore deem it to be an act of justice to the public, that in place of submitting to the fresh demands which they have made, that they should be called upon to refund the large sums which have already been paid to them under their erroneously alleged rights, and under misconceived impressions on the part of the Treasury as well as the Post-office.

Compensation barred by temporary nature of Acts, as well as the claim being for a penalty.

It may further be observed, that even supposing the prior Statutes had legally authorized the payment of this additional toll-duty in consequence of the change of horses, the Legislature might at any period have abrogated this part of the Statute without any infringement upon vested interests, or without giving to the road-contractors the smallest claim to compensation; for, as has already been observed, mail-coaches in Ireland were first subject to toll-duty as a temporary measure, for a special object, and under Acts of Parliament annually passed; and the Messrs. Taylor, and all other road contractors, took their contracts subject to the contingency of mail-coaches being entirely exempted from toll-duty at any moment, or have been placed under such regulations as might seem expedient to the Legislature; hence they possess no vested right which could possibly be affected or infringed by the Statute of the 59th Geo. 3, supposing that Statute had even gone so far as to have declared that, as the objects contemplated in the Act which first subjected them to toll-duty had been secured, mail-coaches were in future to be altogether exempted from turnpike-duties. Besides, Messrs. Taylor cannot show that they have ever sustained any injury or loss which entitles them to compensation under the operation of the Act of 59 Geo. 3. They pretend that they were entitled to exact from mail-coaches payment of toll twice in one division of the road, and that they were prevented from doing so after the passing of this Act. I consider this statement erroneous, for I cannot discover that they were entitled to exact payment of toll twice in any one division.

Four pence penalty not exacted as claimed.

Report, p. 191.

In the next place, it appears to be established by the examination of Mr. William Taylor, that although the government and the Post-office were led to conclude that they had such right, that they never attempted, notwithstanding, to exact payment from the public twice in one division; a fact which conclusively demonstrates that he had no right whatever so to do, for, in the course of his examination, Mr. Taylor expressly states, "We neither charge the 4 *d.* per horse, nor twice in one division, even if they should change horses, as we are entitled in the Act." But if, as here stated, it has never been the practice of Messrs. Taylor to charge toll twice in one division for a change of horses for any coaches or carriages, how could they pretend to apply a different rule in regard to mail-coaches, and demand compensation for what they admit themselves never has been charged? I consider their application, therefore, for compensation not only as groundless, but put forward with very bad grace. But this is not all: it appears the Messrs. Taylor, as lessees of the Kilcullen road, made a return to the Committee of the House of Commons in 1832, in which they profess to state all the various sources of revenue payable to them as lessees of the road; but it is very remarkable that in that return no allowance whatever is made for the revenue which they now say they are entitled to from the Post-office in consequence of the change

change of horses; and this is the more extraordinary, as in that statement they do make an allowance for the additional toll-duty of 4*d.* per horse, although it has never been sustained.

No. 2.

Up to 1832 claims not thought of.

From this it is evident that even so late as 1832 Messrs. Taylor did not contemplate that they were to make any such extravagant demands upon the Post-office in the name of compensation, as those now put forward by them, otherwise they would have made their calculations accordingly, called upon as they were to estimate the value of their interest in the Kilcullen road, and to state the terms on which they were willing to surrender that interest to the Government. It seems indisputable, therefore, that the claim for compensation now made by Messrs. Taylor, is as little entitled, both in law and in justice, to consideration as their first claim for the additional toll-duty of 4*d.* per horse demanded for mail-coaches on the Kilcullen road.

Neither Messrs. Bourne's nor Taylor's claims well founded.

While I therefore have shown that neither the Messrs. Bourne, or the Messrs. Taylor, with reference to the rights vested in them by the Act of 1793, by the Act of 1798, or by the Act of 1811, upon which such stress has been laid, have any justified claim, and while I trust that I have afforded sufficient evidence in proof of their having received, without right, large sums of the public money, it is indisputable that they have all participated in whatever advantages and pecuniary gains which have resulted from the unjust extension of the monopoly secured by the Act of 1798, which prolonged in so extraordinary a manner the interest in the Limerick road, and for which no corresponding equivalent was offered or ever obtained by the public. Public justice to the community, therefore, demands that that Act should be immediately repealed; that all the profits which have arisen from it should be scrutinized, ascertained, and refunded to the Exchequer.

Conditions of statutes not fulfilled.

It appears, moreover, to be established by the Minutes of Evidence appended to the Report of 1832, that Mr. Bourne and Messrs. Taylor never have fulfilled the terms and conditions imposed upon them by the statutes under which they obtained right to the tolls, they having failed to execute the various improvements therein pointed out, and neglected to keep the road in that state of efficient repair during the currency of their engagements, which they were bound to do, although, according to their own statement furnished to the Committee, they admit that the annual profits received by them from the Kilcullen road, after deducting the additional toll-duties claimed from the Post-office, amounted on an average of three years, ending in 1832, to no less a sum than 2,767*l.* 5*s.* 10*d.*, and that the annual profits of the Limerick road amount to 4,405*l.* 16*s.* Report, p. 10.

That the Kilcullen road has invariably been in a most neglected state by the testimony of Arthur O'Keefe, Peter Purcell, Mr. Bourne, the contractor's own colleague, and by the tacit admission of Mr. William Taylor himself. It seems to be admitted by Mr. Taylor that the lessees even failed to execute the improvement specially required by the statute; and the excuse given for this is, that the revenue derived from the road fell short of what was expected; and he says, "It was then understood between the contractors and the trustees that the improvement specified in the Act could not be effected to the extent originally intended." In a subsequent part of his examination Mr. Taylor states that they were authorized to erect an additional toll-gate, but that they did not do so; and he alleges as a reason for not doing so, that the improvements specified in the Act, "were contingent, and depending upon our receiving from the additional toll-gate a sum equal to 1,380*l.*; and that if such money was not raised, it was not intended or contemplated that we should make them." Now, there is no evidence to support these assertions of Mr. Taylor, but they clearly imply that the terms imposed by the Act of Parliament were not fulfilled by them, and those with whom he was concerned, although they admit having received so large a profit as considerably exceeded 2,000*l.* a year. Again, it is established by Minutes of Evidence before the Committee of 1832, and it is particularly shown, from a petition presented by the commissioners of the road to the then Chief Secretary for Ireland on the 4th of November 1822, that the Limerick road had been allowed to remain by Mr. Bourne in an equally bad state of repair. It further appears, from the report of that committee, that the commissioners on both the Kilcullen and Limerick lines of road had lost all control over the road contractors, and that they were unable to enforce payment of the penalties, or to correct the abuses which were so loudly complained of by all persons who had occasion to travel that road.

Report, p. 120, 188 and 221.

Report, p. 160.

Report, p. 198.

Report, p. 120.

This a farther bar to any claim.

From all these facts before me, from the recollection which I have myself of the frequent representations made to me in my official capacity in Ireland, and of the consequent remonstrances which I have personally been necessitated to make to the Messrs. Taylor, of the bad condition in which they had permitted the road to be kept, I cannot but remonstrate against this unjust attempt upon their part now to take advantage of the equally unjust example set to them by another person, and to set forth such unfair demands against the public. If, from any accident or omission, or if from some unaccountable ambiguity in the statute, these parties come forward in order to amerce the public, the public has a right, and I claim that right on its part, to protect itself by the least omission on the part of those contractors to fulfil their engagements to the public, whether from accident, or whether from design, to the very utmost extent that the public has a right to claim. If Mr. Bourne, on the Limerick road, or the Messrs. Taylor, on the Kilcullen road, have failed in the performance of any of their engagements; if they have not maintained their respective lines of road in that state of repair, as not to have exempted them from the just murmurs of the public; if they have failed to execute any one improvement which they had stipulated to have perfected, I maintain that their contract is vitiated in toto, and that they can claim no protection, or seek for any indemnification under the statute of 1811, with reference to the statutes of 1793 and 1798.

Claims ought to be resisted.

It is, therefore, the more necessary that these claims should be peremptorily resisted, because were they to be acceded to, the acquiescence in them on the part of the public would not only entail an enormous demand at present in the shape of arrears, but would lead to the current payment during a period of 12 years of a very large amount; and this expense would not even be confined to the parties who have already appeared as claimants on the public purse, for I think it right to apprise the Treasury that there is a third party, who, for aught I know, may be quietly remaining silently behind, waiting the decisions upon these present demands, and whose claims are certainly equally well founded as those under discussion. The person I allude to is Mr. Briscoe, the lessee of that part of the Cork line of road passing over Kilworth Mountain: this gentleman has just as much right as the other parties to put in a claim to the amount of 9,636*l.*, on the same grounds as those of Mr. Bourne and the Messrs. Taylor. Every impression, therefore, forces me to come to the conclusion that the period has arrived which makes it imperative upon the public to have instituted a full and impartial inquiry into the origin of those several statutes, into the conduct of the parties who shared in their interest and in their profits, and that strict justice should be done between those individuals and the public, by means of a minute search and examination through their books of all their receipts and expenditure.

General Post-Office, Edinburgh,
14 April 1836.

Edwd S. Lees.

Appendix to the Report made by Sir *Edward Lees* to the Treasury.

33 Geo. 3, c. 32, 16 August 1793,

Entitled, "An Act to explain and reduce into one Act the several laws for making, repairing or amending the Turnpike Roads leading from the town of Naas to the towns of Maryborough and Ballyroan, from the said town of Maryborough to the city of Limerick, and from the town of Nenagh to O'Brien's Bridge."

Pay-gates to be erected, and tolls.

16. And be it further enacted, that it shall be lawful for the said John Anderson, and the said William Bourne, under the conditions and regulations hereafter to be named, for and during the term of 30 years, to commence and be computed from the passing of this Act, to erect or cause to be erected pay-gates upon and across the said road in manner hereinmentioned; and that it shall be lawful for the said John Anderson and for the said William Bourne to build, hire or rent a tollhouse or tollhouses convenient to every such gate, and to demand and take by such person and persons as they shall authorize thereto the following tolls at every such gate, &c., for each and every coach, chariot, landau, phaeton, curricle, chair, calash or gig, if drawn, &c. by four or five horses or other beasts, the sum of 2*s.* 2*d.*, &c. &c.

Five shillings penalty.

17. And be it further enacted, by the authority aforesaid, that from and after the passing of this Act, and during the continuance of the same, it shall be lawful for the said John Anderson and the said William Bourne to demand and take by such person or persons as they shall authorize thereto, at each and every pay-gate aforesaid, for every stage-coach or other carriage plying for hire, or conveying persons for hire, which shall convey at any one time upon any part of the said road more than six persons within side, or more than three persons, besides the driver, upon the outside of any such coach or other carriage, 5*s.* for every horse or other beast drawing the same, in addition to the toll hereinbefore directed to be paid every time such coach or other carriage shall pass through any of the said gates.

Situation of pay-gates may be altered by commissioners.

24. And be it further enacted, that it shall be lawful for any five commissioners of any district of the said road, on the application of the said John Anderson and the said William Bourne, to alter the situation of any of the said pay-gates within such districts of the said road, and to add such other pay-gates upon and across any part of the present line of the said roads, or of the new line of said road, or upon and across any part of the same, or on the side of the said present or of the said new line of the said road, across any lane or way leading out of either of the said lines of road within such district, and to build, hire or rent a toll-house for every such gate, and there to demand and receive, by any such person or persons as they shall authorize thereto, such tolls as are appointed by this Act to be taken at any gate within such district of the said road, and that every such gate shall be deemed a pay-gate.

Divisions of road.

25. And be it further enacted, that the said road shall be divided, and that the several divisions shall be numbered in manner following, namely; No. 1, from Naas to the west side of Kildare; No. 2, from Kildare to Monasteven; No. 3, from Monasteven to the east entrance of Ballyroan, or to the east entrance of Maryborough; No. 4, from said last-mentioned east entrance of Maryborough to the east entrance of Montrath; No. 5, from Montrath to Roscrea; No. 6, from Roscrea to Toomavara, or such point as shall hereafter be appointed on the new line; No. 7, from such last-mentioned point, or from Toone to Nenagh; No. 8, from Nenagh to such place as shall be appointed between Kilmastulla and O'Brien's Bridge; No. 9, from such last-mentioned point to Limerick.

Tolls to be paid but once a day in each division.

26. And be it further enacted, that no person shall be liable to pay any of the said tolls aforesaid more than once in the same day, within the same division, with the same cattle and carriage; but that every person having paid such toll once in any one division, may, during the remainder of the same day, every such day to be computed from 12 o'clock at night till 12 o'clock the succeeding night, pass and repass, toll free, through every pay-gate

gate in the same division, with the same cattle and carriages for which such toll shall have been paid, &c. &c.

27. Provided always, that in order to pass free, in manner aforesaid, through each respective pay-gate, it shall be necessary to pay once in each day as aforesaid in each division respectively in which said pay-gate is placed, there being to be but one payment required in any one division. — One payment in each division each day.

38th Geo. 3, c. 83, 6 October 1798,

Entitled, "An Act to explain and reduce into one Act the several laws for making, improving and repairing the Turnpike Road, leading from the city of Dublin to Kilcullen Bridge, in the county of Kildare (38 Geo. 3, c. 83, s. 16), and to the 21st mile stone westward of the said bridge; and for prolonging the duration of the Act for repairing the Road from Naas to Limerick; and for the further improvement of the Road from Kilworth Mountain to the city of Cork."

16. And be it enacted, that the said road shall consist of two divisions, the one from the circular road, near to the city of Dublin, to the gate now erected at the town of Kill, in the county of Kildare, and the other from thence to the Fair Green, at Old Kilcullen, in the said county; and that it shall be lawful for the said John Anderson, George Taylor and Alexander Taylor, and the executors or administrators of each and every one of them, with the approbation of the commissioners, or any three of them, under their hands and seals, to establish or erect one or more pay-gates upon and across any part or parts of the said road; and they shall have power to build, hire or rent a toll-house convenient to every such gate, and to demand and take in each of the said two divisions, by such person or persons as they shall authorize thereto, the following tolls at every such gate, before any beast or carriage hereinafter respectively mentioned shall be permitted to pass through the same; that is to say, for every horse or other beast drawing any stage coach, stage landau, stage chariot or chaise, carrying passengers, paying for their passage respectively, the sum of 1 *s.* 1 *d.*, &c. &c. — Two divisions of road. Pay-gates may be erected. Tolls to be paid.

24. And be it further enacted, that no person shall be liable to pay any of the said tolls aforesaid more than once in the same day within the same division, with the same cattle and carriage, except as hereinafter excepted; but that every person having paid such toll once in every one division, may, during the remainder of the same day (every such to be computed from 12 o'clock at night to 12 o'clock the succeeding night), pass and repass, toll free, through every pay-gate in the same division, with the same cattle and carriage for which such toll shall have been paid, &c. &c. — Tolls to be paid only once a day in the same division.

41. And the better to enable the said John Anderson and the said George Taylor, and the said Alexander Taylor, to carry on and complete the said works, be it enacted, that it shall be lawful for them, the said John Anderson, George Taylor and Alexander Taylor, and the executors or administrators of each and every of them, they being thereunto previously authorized by the said commissioners, or any three of them, under their hands and seals, to erect an additional pay-gate on any part of the said road that the said commissioners shall appoint, in manner aforesaid, between Black Church Bridge and the city of Dublin, and to demand and take at such additional gate the same tolls that they are hereby authorized to take in any division of the said road; and no person paying any toll thereat shall be entitled to pass free of toll with any carriage or beast by this Act made liable to toll for or on account of his having paid at such additional gate. — Additional pay-gate may be erected. Persons paying at additional gate not to pass free.

42. Provided always, that such additional pay-gate shall not be continued for more than five years, or until the sum of 1,380 *l.* shall be raised. — To continue five years.

43. And be it enacted, that the said John Anderson, George Taylor and Alexander Taylor, the executors and administrators of each and every of them, shall account for the tolls collected or to be collected at such gate before the commissioners of imprest accounts; and so soon as the said sum of 1,380 *l.* shall have been so raised, the said gate shall be discontinued as an additional pay-gate on the said road. — Tolls at additional gate to be accounted for.

50. And be it enacted, that the said John Anderson, George Taylor and Alexander Taylor, shall make a new road from the place called Sandy Banks, at the east end of the Commons of Fox and Geese, through the lands at the rear of the Red Lion and Blue Bell Inns or houses, to the hill above the present bridge, and shall erect a new bridge across the stream as part of the said road, which bridge and every part of such road shall be at least 60 feet wide; and that so soon as the said road and bridge shall be completed to the satisfaction of the commissioners, or any three of them, and approved of by them under their hands and seals, it shall be lawful for the said John Anderson, George Taylor, and Alexander Taylor, the executors and administrators of each and every of them, to erect a gate on any part of the said new road, and to take at the said gate such tolls as by this Act they are entitled to take at any toll-gate, until a sum equal in amount to the expenses of making the said line and building the said bridge shall be raised thereat; and so soon as the amount of the said expense shall be raised, the said gate shall be taken down, and no toll whatever shall be demanded or taken thereat. — New road to be made from Fox and Geese, &c. Temporary tolls.

51. And in order to ascertain the expense of making the said line and bridge, and the amount of the tolls collected at the said gate, be it enacted that the said John Anderson, George Taylor and Alexander Taylor, and the executors or administrators of each and every of them, shall account for the same before the commissioners of imprest accounts, who are hereby required to inspect, examine and audit the said accounts and sums collected. — Expenses and tolls to be accounted for.

No. 2.

50 Geo. 3, c. 32, 24 May 1810.

Stage-coaches not to pay more toll than other coaches.

12. And be it further enacted, that no coach or other carriage above described, carrying persons for hire, shall be charged or compelled to pay, at any toll or turnpike-gate, any greater toll than is paid by other coaches or carriages drawn by an equal number of horses, anything to the contrary in anywise notwithstanding.

50 Geo. 3, c. 50, 1810.

Turnpike Acts.

Whereas the number of passengers to be carried by stage-coaches and other carriages plying for hire in Ireland, have been limited on certain roads by certain Acts passed in the Parliament of Ireland; And whereas it is expedient to repeal so much of the said Acts as relate to the limitation of passengers, and the additional tolls and penalties which are thereby demandable and forfeited on a greater number being conveyed by such stage-coaches or other carriages than are specified in the aforesaid Acts, and to enact other provisions and regulations for carrying the aforesaid Acts into effect, and to regulate the conduct of the owners or drivers of such carriages; May it therefore please Your Majesty, &c. &c., that from and after the passing of this Act, so much of the several Acts of Parliament of Ireland as relates to passengers to be conveyed by stage-coaches or other four-wheel carriages; also so much of the said Acts as relates to additional tolls and penalties which are thereby demandable and forfeited in case of a greater number being conveyed by stage-coaches or other four-wheel carriages than is specified in the aforesaid Acts, be and the same are hereby repealed.

51 Geo. 3, c. 40, 31st May 1811,

Entitled "An Act to explain and amend an Act of the last Session of Parliament for repealing certain parts of several Acts relating to the limiting the number of Persons to be carried by Stage-coaches in Ireland:"

50 Geo. 3, c. 32.

And whereas by an Act made in the last Session of Parliament, intituled "An Act to repeal certain parts of several Acts of the Parliament of Ireland, so far as relates to the limiting the number of Persons to be carried by Stage coaches or other Carriages, and for enacting other limitations in lieu thereof, and for other purposes relating thereto," it is among other things enacted, that so much of the several Acts of the Parliament of Ireland as relates to the limitation of passengers to be conveyed by stage-coaches and other four-wheeled carriages; also so much of the said Acts as relates to the additional tolls and penalties which are thereby demandable and forfeited in case of a greater number being conveyed by stage-coaches and other four wheeled carriages than is specified by the aforesaid Acts, shall be and the same are repealed; and it is also by the said recited Act of the last Session of Parliament further enacted, that no coach or other carriage described in the said Act, conveying persons for hire, shall be charged or compelled to pay at any toll or turnpike gate any greater toll than is paid by other coaches or carriages drawn by an equal number of horses, anything in any Act to the contrary in anywise notwithstanding; by which provisions in the said last-recited Act mentioned, if the same were applied to the roads in the said Acts of the 33d, 37th and 38th years mentioned, the toll payable by stage coaches and other carriages carrying passengers for hire on the said roads would be so reduced that the fund applicable to the purposes of the said recited Acts of the 33d and 38th years aforesaid would be considerably diminished, and the roads in the said Act mentioned would be thereby materially injured, contrary to the true intent and meaning of the said Acts: Be it therefore declared and enacted, &c., that the hereinbefore recited clauses and provisions in the said recited Act of the last Session of Parliament, or any clauses or provision whatsoever in the said recited Act contained, whereby the limitation of passengers to be conveyed by stage coaches, or the additionals or penalties relating to carriages conveying persons for hire, are repealed, shall not extend nor be construed to extend to the said turnpike roads leading from the city of Dublin to Kilcullen-bridge, and from Naas to Limerick, or either of them, nor to repeal or alter any of the provisions, clauses or regulations contained in the said recited Acts of the 33d, 37th and 38th years of the reign of his present Majesty, or either of them, with regard to stage coaches or other carriages carrying passengers for hire on the said roads, or either of them.

Recited Act, 50 Geo. 3, c. 32, not to extend to roads mentioned in recited Acts, 33, 37 & 38 Geo. 3.

51 Geo. 3, c. 92, 26th June 1811,

Entitled, "An Act to repeal certain parts of several Acts of Parliament of Ireland relating to the Tolls on Stage-coaches carrying above a certain number of Passengers, and to make other Provisions in lieu thereof."

Four pence to be paid for every horse at each pay-gate, in addition to the other tolls.

2. And be it further enacted, that from and after the passing of this Act, and during the continuance of the said recited Acts, it shall be lawful for the several persons in the said recited Acts severally and respectively mentioned, or their assigns, to demand and take by such person or persons as they shall authorize thereto, at each and every pay-gate in the said Acts respectively mentioned, for every stage-coach or other carriage plying for hire or carrying persons for hire upon any parts of the roads in the said Acts respectively mentioned, the sum of 4*d.* for every horse or other beast drawing such coach or other carriage, in addition to the tolls by the said Acts directed to be paid, every time such coach or other carriage shall pass through any of the said gates; provided always, that such additional toll shall not be deemed to extend to waggons or other carriages with broad wheels, in the said recited Acts, or either of them, mentioned and specified.

No. 2.
Report of Sir Edward Lees, 14 April 1836.

59 Geo. 3, c. 108, 12th July 1819,

Entitled "An Act to amend several Acts relating to the Post-office and Conveyance of Letters in Ireland."

Mails not to pay tolls more than once a day in each district of road.

3. And whereas arrangements are making for the postage and conveyance of mails and bags of letters by coaches in Ireland with increased expedition, and it may happen that, by change of horses in the same division of road, an additional toll may be charged and chargeable on such coaches, to the diminution of the revenue of postage in Ireland; Be it therefore enacted, That from and after the passing of this Act no mail coach, mail diligence or mail-cart conveying or employed to carry any mail or bag of letters in Ireland, shall be charged or chargeable with any toll more than once in the same division of road in the same day, calculating from 12 o'clock at night till 12 o'clock the succeeding night; and that no change of horses shall subject any such coach, diligence or cart to any additional toll at any turnpike-gate whatsoever, any Act or Acts to the contrary notwithstanding.

Appendix, No. 3.

No. 3.
Memorial from Messrs. Taylor to the Lords of the Treasury.

A COPY of a MEMORIAL from Messrs. *Taylor* to the Lords of the Treasury, praying for the Payment of certain TOLLS withheld from them by the Irish Post-office Department.—3 December 1835.

To the Right Honourable the Lords Commissioners of His Majesty's Treasury.

The MEMORIAL of *George Taylor* and Partners, Lessees of the Kilcullen Turnpike Road,

Humbly showeth,

THAT your Memorialists, on the 27th October 1832, presented a Memorial to the Right Honourable the then Postmaster-general, setting forth—

"That in the year 1793, Mr. William Bourne and the late Mr. John Anderson contracted with the then Government of Ireland to improve and keep in repair the roads from the town of Naas to the city of Limerick, and in 1798 the said John Anderson, the late Major Alexander Taylor and your Memorialists entered into a similar agreement with the Government to repair and uphold that leading from the city of Dublin to the bridge of Kilcullen, and the 21 milestone westward of said bridge. Both these agreements were confirmed by Acts of Parliament; and the particulars of the latter are embodied in the 38th Geo. 3, c. 83.

"It is unnecessary for your Memorialists to enter into the circumstance that gave rise to these contracts, as they were already before his Grace, in the memorial of Mr. William Bourne, praying for redress, such as that now sought for by your Memorialists.

"In the year 1810, without the knowledge of your Memorialists or the due notices having been given as required by the Standing Orders of the House of Commons, the 50th Geo. 3, c. 32, was passed, which considerably reduced the tolls payable to the road contractors under the 38th Geo. 3, c. 83.

"As the injury done to your Memorialists by the passing of this Act was a direct violation of the agreement entered into between them and the Government, the following case was submitted to Mr. Serjeant Moore, now one of the Justices of His Majesty's Court of Common Pleas, for his opinion and advice."

Case for the Opinion of Serjeant *Moore*.

"By an Act of Parliament passed in the 38th year of His present Majesty, intituled, 'An Act to explain and reduce into one Act the several laws for making, improving and repairing the Turnpike Road leading from the City of Dublin to Kilcullen Bridge,' and other purposes therein mentioned, the whole right of the tolls is vested in John Anderson, George Taylor and Alexander Taylor, for the term of 50 years, and they are bound in heavy penalties for the due performance of the duties thereby imposed upon them: and by the said Act the tolls of said road are made chargeable with a debt of 4,500*l.* and the interest thereof, and also with the interest at the rate of five per cent. on another sum of 9,000*l.*, both which sums had been borrowed by former trustees, and are by said Act made liens on the tolls.

"By the 16th section of said Act, which limits the rate of tolls, stage-coaches or carriages carrying passengers paying for their passage, respectively are chargeable with 1*s.* 1*d.* for each horse or other beast drawing same, all other carriages at 6½*d.* for each horse, which rates were the same that had been established by former Acts, no increase whatever of tolls having been made by the above-mentioned Act.

"By the 37th section, the number of passengers in stage-coaches are limited to six inside and three outside, besides the driver and guard, with a penalty of 5*s.* for each horse, (in addition to the toll) for carrying a greater number.

"By the said Act, 2d section, it is recited that the said John Anderson, George Taylor and Alexander Taylor are ready to advance their own money for the purposes of the said Act, and that they have bound themselves in a penalty of 20,000*l.* for the performance of their agreement.

 "Upon

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"Upon the faith of said Act the said parties entered upon the duties imposed upon them, and have fully and faithfully performed the same; and besides keeping the road in a high state of repair, and making the improvements specified in the Act, they have, at great expense and labour, cut down and levelled many hills along the whole line of the road. They have also paid off 3,500*l.* of the debt of 4,500*l.*, and have paid the interest on the 9,000*l.* up to the 1st May 1810.

"And upon the credit of the tolls payable under said Act, the said Alexander Taylor has, for a considerable consideration, purchased from Mr. Anderson his one-third share of the concern.

"By an Act passed in the present session of Parliament of the United Kingdom, 50th Geo. 3, c. 32, intituled, 'An Act to repeal certain parts of several Acts of Parliament of Ireland, as far as relates to the limiting the number of Persons to be carried by stage-coaches or other carriages, for enacting other Limitations in lieu thereof, and for other purposes relating thereto,' it is enacted, that so much of the several Acts of Parliament, (without naming any one), as relates to the limitation of passengers to be conveyed by stage-coaches or other four-wheeled carriages, also so much of said Acts as relates to the additional tolls and penalties which are thereby demanded and forfeited in case of a greater number being conveyed by stage-coaches and other four-wheeled carriages than is specified by said Acts be repealed.

"And by the 2d section, any coach drawn by four horses is permitted, after the 1st of July 1810, to carry six inside and ten outside passengers, instead of three outside.

"By the 12th section, no coach or other carriage before described, conveying persons for hire, shall be charged or compelled to pay at any toll or turnpike gate any greater toll than is payable by other coaches or carriages drawn by an equal number of horses.

"The last-mentioned Act of Parliament, which takes away a considerable portion of the private property of Messrs. Taylor, which was vested in them and Mr. Anderson, by the 38th of the King, for an absolute term of 50 years, was brought into and passed in the Imperial Parliament, without the usual notices having been given that are required by the Standing Orders of the House of Commons, where private property is to be affected; the only notice Messrs. Taylor had was some slight report of the Act in the newspapers, not sufficient to apprise them of the contents of the Act, and at a time when it was too late to give it any opposition.

"There is not, as before observed, any particular Act of Parliament recited or pointed out in the Act of the present Session, as expedient to be repealed, but repeals generally so much of all the Irish Acts as related to the limitation of passengers.

"Independent of the violation of the private property of Messrs. Taylor, the impolicy, not to say absurdity, of making stage-coaches pay no more than private carriages, with the same number of horses, is obvious. No private carriage carries so great a number of persons as a stage-coach, or travels at so great a rate, nor, exclusive of the number of passengers, is so heavy; consequently does not injure the road so much as a stage or mail coach; and all former Acts for this reason have made stage-coaches pay double the toll of private carriages.

"Counsel will therefore advise Messrs. Taylor, whether the before mentioned parts of the Act of the 38th of the King are repealed by the Act of the present Sessions, although not mentioned therein, but by the general description of 'the several Acts of Ireland, of which, &c.' If they are repealed by said last Act, have Messrs. Taylor any and what mode of obtaining redress for the immense loss they must sustain thereby?"

OPINION of Serjeant *Moore*.

"I have never known an instance of the repeal of one Act of Parliament by another without a recital of or reference to it; but yet, it would be too much for an individual to say, that where the Legislature has, as in the Act of the present year, used general terms to repeal an Act or Acts of Parliament, that it shall not have that effect. With respect to the notices prescribed by the Standing Orders of The House of Commons, if, in fact, as here stated, they have not been given, I conceive Parliament would in the next Session, upon the omission being shown to The House, and that the property of individuals has been taken away without any opportunity of being heard, and certainly without any equivalent, at once repeal and then modify the Act, so as to do justice to Messrs. Taylor. But I must observe, that it is strongly to be presumed that the notices were given in the Gazette, and otherwise, as the orders of Parliament require, for I know myself that there is the utmost vigilance by The Speaker and the Clerks of The House, with regard to all those requisites, previous to the passing of all Private Bills. However, if the fact be as stated, I would recommend to Messrs. Taylor to apprise The Speaker of it, and apply in the next session to have the Act repealed and passed in a more equitable form, for if the property of Messrs. Taylor in the tolls had been attended to, the other regulations introduced by the Act may be very desirable. I would further observe, that should it even turn out that the notices have been regular, I cannot but think that Parliament would consider it necessary, on the circumstance being laid before them by petition on behalf of Messrs. Taylor, to amend the Act, the operation of which at present is to rescind a public contract with an individual of which he was the purchaser for valuable consideration, and under which he had a vested interest for 38 years yet to come, extremely valuable, subject to the discharge of certain important duties on his part, and the expenditure of large sums of money, the obligation to do which remains, whilst a considerable part of the income has

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has been without any compensation taken away. And I entertain so little doubt of Messrs. Taylor obtaining redress, that I recommend to them to have an accurate account preserved at the tollgates of the amount of the tolls, as it would have been under the Act of 1798, upon the stage-coaches and passengers that shall actually pass from 1st July next; but I am not to be considered to mean that the toll shall be demanded as before.

"25 June 1810." (signed) *Arthur Moore.*"

"As advised in the foregoing opinion, your memorialists prepared and had presented to the House of Commons a petition praying for such relief as might seem meet to it, and at same time laid their case before Mr. Pole (now Lord Maryborough), then Secretary of State for Ireland. That gentleman perceiving the injury done to your memorialists, the 51st Geo. 3, c. 40, was immediately passed, repealing so much of the 50 Geo. 3, c. 32, as related to the Limerick and Kilcullen roads, and restoring to the road contractors their original rights and privileges. Wishing, however, to facilitate intercourse by public conveyances, yet at same time to do justice to the contractors, another Act was passed (in the same session) with their concurrence, the 51st Geo. 3, c. 92, by which the clauses in the 38th Geo. 3, c. 83, limiting the number of passengers to six inside and three outside, was repealed, together with the penalty of 5*s.* per horse for any that exceeded that number; and in lieu thereof was granted an additional toll of 4*d.* per horse on all carriages carrying passengers for hire, waggons only excepted.

"On the first quarterly payment becoming due after the passing of this last-mentioned Act, your memorialists applied to the Post-office for payment of the toll of 4*d.* per horse in addition to that which they previously were paid, and were informed by the secretary that it was the opinion of the postmasters-general for Ireland, that the additional toll of 4*d.* per horse did not extend to mail-coaches, and that a similar answer had been given to the application of Mr. William Bourne, contractor for the Limerick road.

"Your memorialists, knowing it was not intended in the framing of the Act to exempt mail-coaches from this toll, submitted the Act to Mr. Serjeant Johnson, now one of the Justices of the Common Pleas, desiring his opinion as to 'whether the additional toll of 4*d.* per horse, leviable under the 51st Geo. 3, c. 92, extended to mail-coaches, which are prohibited by their contract with the Post-office from conveying more than four inside and one outside passengers, besides the driver and guard,' who gave the following opinion:—

OPINION of Mr. Serjeant *Johnson.*

"I think the additional toll of 4*d.* per horse extends to mail-coaches, though they should be prohibited by their contract with the Post-office from carrying more than four inside and one outside passengers, and though they should in fact not convey any greater number. I think the sum of 4*d.* per horse is an additional to the then existing toll on the roads in question, on all stage or other carriages plying for hire, and it is not affected by the greater or lesser number of passengers; and though given in lieu of the penalty of 5*s.* for carrying a greater number of passengers than allowed, is not confined to carriages so offending, but is a general toll payable by all stage-coaches and other carriages plying for hire on those roads; and I think the postmasters-general bound to pay this additional toll, if by their contract they are bound to pay all tolls to which mail-coaches are subject by law.

"18 Nov. 1814. (signed) *William Johnson.*"

"In addition to the above, Mr. William Bourne procured the opinion of Messrs. Saurin, Bushe, Parsons and Plunket, all of whom concurring that the postmasters-general are bound to pay to the road contractors this additional toll of 4*d.* per horse, it was presumed that no further objections would be made to their claims; but, for reasons unknown to your memorialists, this toll, which was imposed for the express purpose of remunerating the contractors of the Limerick and Kilcullen roads for the injury done to them by the before mentioned Act, continued to be withheld from them by the postmasters-general, though contrary to the opinion of the counsel attached to that department.

"The difficulty, or rather impossibility, of bringing the question to a legal issue, has hitherto left your memorialists without redress. But the consolidation of the post-offices of the United Kingdoms under his Grace the Duke of Richmond, as postmaster-general, induces your memorialists to again bring forward their claims, and to pray that the arrears of these tolls so long withheld may at length be paid, and that said tolls, by intention and legal enactment the property of your memorialists, may be received by them during the continuance of their contract."

That your memorialists, on the 2d January 1835, presented a memorial to your Lordships to the following effect:—

"That by the Act 51 Geo. 3, c. 92, a toll of 4*d.* per horse was made payable to your memorialists, as lessees of the Kilcullen turnpike-road, and to Messrs. Bourne, as lessees of the Limerick road, on all carriages plying for hire, mail-coaches included. That from the passing of said Act, the late postmasters-general for Ireland had refused to pay the road lessees the above-mentioned toll, on the plea that mail-coaches were exempt from the operation of the Act. That your memorialists and Messrs. Bourne had at different times taken the opinion of the law officers of the Crown, as to whether the toll of 4*d.* per horse extended to mail-coaches; and they had invariably concurred in opinion that they were

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liable thereto. That on the consolidation of the post-offices of the United Kingdoms, your memorialists petitioned the then postmaster-general (by the memorial above set out), praying for a settlement of this claim, but without success.

"That in June last, Messrs. Bourne brought their claims before your Lordships; and on the 4th of August following your memorialists also transmitted to your Lordships a copy of their application to the Postmaster-general; but your Lordships only took the case of Messrs. Bourne into consideration, to the exclusion of your memorialists', whose rights were founded on the same Act of Parliament as that on which Messrs. Bourne's case rested; and your memorialists therefore humbly submit that it could not have been the intention of your Lordships to show any preference to Messrs. Bourne, and grant to them those tolls as their acknowledged right, and yet withhold them from your memorialists, who equally participated therein; and praying that their claims might be referred to the Postmaster-general for settlement."

That on the 9th March 1835, your memorialists received from Augustus Godby, esq., secretary in Ireland for the Right Honourable the Postmaster-general, the following letter:—

"I am commanded by my lord, the Postmaster-general, to request that you will lay before his lordship, through me, a statement in detail of your entire claim upon the Post-office, on account of all the mail-coaches or tolls in which you may be interested, together with a statement of the grounds upon which you prefer each item of your claim, in order that the same may be transmitted to the Lords Commissioners of His Majesty's Treasury, with his lordship's observations and opinion thereupon.

(signed) "*Augustus Godby*, Secretary."

That in compliance with such request, your memorialists, on the 16th May 1835, transmitted to Mr. Godby a statement, showing your memorialists' claim in respect of all mail-coaches or tolls, with the grounds on which each demand was founded, showing the gross sum to which your memorialists considered themselves entitled.

That the following is a copy of such statement.

AN ACCOUNT of the entire Arrears of Tolls on Mail-Coaches in *Ireland* claimed by Messrs. *Taylor*, Lessees of the *Kilcullen* Road.

MAILS.	CLAIM.	Grounds of Claim.	Interest on the quarterly Tolls as they became due, at 5 per cent.	Amount of Claim.	Became due at 5 per cent.	TOTALS.
					£. s. d.	£. s. d.
Dublin to Cork by Cashel.	- - For additional toll of 4 *d.* per horse, per day, on two divisions of the road, or 5 *s.* 4 *d.* Irish per day, payable outwards from Dublin, at the Black Lion and Kill turnpike gates; and inwards towards Dublin, at the Kilcullen and Black Church turnpike gates.	- Act 51 Geo. 3, c. 92.	- From 26th June 1811, to 5th Jan. 1835.	- - Old Irish currency. 2,289 14 8	1,332 7 1	
	For additional toll of 4 *d.* per horse, on change of horses in one division of the road; or 2 *s.* 8 *d.* Irish, per day, payable outwards at the Kilcullen turnpike gate; and inwards at the Kill turnpike gates.	- Act 51 Geo. 3, c. 92; *see* also 59 Geo. 3, c. 108, s. 3, & Treasury * Minute, dated 23 April 1824.	Same period	1,144 17 4	666 2 8	
Dublin to Cork by Clonmel.	Same as above - - -	Same - -	Same -	2,289 14 8 1,144 17 4	1,332 7 1 666 2 8	
Dublin to Limerick	- - For additional toll of 4 *d.* per horse, per day, on two divisions of the road; or 5 *s.* 4 *d.* Irish, per day, payable outwards, at the Black Lion and Kill turnpike gates; and inwards at the Kill and Black Church turnpike gates.	- Act 51 Geo. 3, c. 92.	Same -	2,289 14 8	1,332 7 1	
Dublin to Waterford.	- - For additional toll as above, payable outwards as above, but inwards at the Kilcullen and Black Church turnpike gates.	Same - -	Same -	2,289 14 8	1,332 7 1	
			Irish - £.	11,448 13 4	6,661 13 7	
			British - £.	10,568 - -	6,149 4 10	
TOTAL Claim of 4 *d.* additional per Horse, as applied to the present payments of the Post-office, with Interest - £.						16,717 4 10†

* The following is a Copy of the Treasury Minute, No. 5972:—Acquaint the Postmaster-general that my Lords Commissioners, with the Solicitor-general in Ireland, is of opinion that the claims of Messrs. Taylor to the tolls on the road in question, by virtue of their contract, cannot, with justice, be set aside by the general provisions of the Act 59 Geo. 3; and they conceive that the Post-office should therefore continue to pay the charges to which they were liable for the mail-coaches on those roads, in strict performance of the terms of that contract, from the time that such payment has been discontinued during remainder of the period for which it is to endure.

† The payment made to Messrs. Bourne was upon the principle of this claim of Messrs. Taylor, and amounting to 16,717 *l.* 4 *s.* 10 *d.* British, being 4 *d.* per horse, and simple interest on the quarterly claim, at 5 per cent.

MAILS.	CLAIM.	Grounds of Claim.	Interest on the quarterly Tolls as they became due, at 5 per cent.	Amount of Claim.	Became due at 5 per cent.	TOTALS.
				£. s. d.	£. s. d.	£. s. d.
Dublin to Waterford.	- - For toll of 1 *s.* per horse, per day, in one division of the road, withheld, being 4 *s.* British per day, payable outwards, at the Kilcullen turnpike gate.	- Act 38 Geo. 3, c. 83, s. 16.	- From 5th April 1812, to 5th Jan. 1835.	1,669 15 –	934 6 3	
				TOTAL with Interest, in British - - £.		2,604 1 3*
Dublin to Cork by Cashel.	- - For toll of 5 *s.* 8 *d.* Irish currency, daily, payable twice in the first division of the road; viz. outwards at the Black Church turnpike gate; and inwards at the Red Cow turnpike gate.	- 4 *s.* 4 *d.* by 38 Geo. 3, c. 83. - 1 *s.* 4 *d.* by 51 Geo. 3, c. 92.†	- From 5th Jan. 1820, to 5th Jan. 1835.	2,372 10 – 730 – –	846 6 2 260 8 –	
Dublin to Cork by Clonmel.	Same - - - - -	Same - - -	Same -	2,372 10 – 730 – –	846 6 2 260 8 –	
Dublin to Limerick	Same - - - - -	Same - -	Same -	2,372 10 – 730 – –	846 6 2 260 8 –	
Dublin to Waterford.	- - For toll of 5 *s.* 8 *d.* Irish currency, daily, payable twice in each of the two divisions of the road; viz. outwards at Black Church and Kilcullen turnpike gates; and inwards, at Kill and Red Cow turnpike gates.	Same -	Same -	4,745 – – 1,460 – –	1,692 12 4 520 16 –	
			Irish - £.	15,512 10 –	5,533 10 10	
			British - £.	14,319 4 7	5,107 17 9	
				TOTAL Claim for Change of Horses - - - - - - £.		19,427 2 4
				TOTAL Claims with Interest - - - - - - - £.		38,748 8 5

* This claim of 1 *s.* per horse is framed upon the same principle as the payments are actually made to the lessees by the Post-office for the two Cork and one Limerick mail, and amounts, with interest, to 2,604 *l.* 1 *s.* 3 *d.*

† And the Treasury Minute, No. 5972, under which a similar charge is regularly paid to the lessees for the mail-coach from Dublin to Cork *via* Cashel.

Dublin, 39, Camden-street, 16 May 1835. (signed) *George Taylor.*

That on the 25th July 1835, your memorialists forwarded to your Lordships a further memorial to the following effect, viz.:

"That your memorialists, on the 2d January last, submitted to your Lordships the claim of the lessees of the Kilcullen turnpike-road, in Ireland, to the payment (from the Post-office,) of a toll of 4 *d.* per horse on mail-coaches, by the Act 51 Geo. 3, at which time the similar claims of Messrs. Bourne, for the Limerick road, had been arranged and settled upon a principle determined by your Lordships.

"That your memorialists had since submitted to the Post-office, by your Lordships' command, various accounts in elucidation of the above claim, which your memorialists trusted had been sufficient to bring the whole origin and substance of it fully before your Lordships, and praying of your Lordships to determine upon the said claim, either by the application of the principle adopted in the case of Messrs. Bourne, or such other as might appear to your Lordships more applicable to your memorialists' case."

That your memorialists beg leave to assure your Lordships that the accumulations of your memorialists' demand has arisen, not from any want of remonstrance or claim by your memorialists with the Post-office department, inasmuch as your memorialists have frequently brought the same under the notice of the Post-office authorities.

That your memorialists' claims are founded on the same Acts of Parliament, and governed by the same opinions of the highest legal authorities in England and Ireland, as are appended to the memorial of Messrs. Bourne, (some of which opinions, viz.: Baron Foster, Mr. Saurin, and Judges Johnson and Moore, were taken by your memorialists,) presented to your Lordships, in June 1834, and copies of which opinions your memorialists have annexed, by way of appendix, to this their memorial.

That in support of your memorialists' claims they beg to refer your lordship to the correspondence between William F. Baring, Esq., and Messrs. Bourne, on the subject of their claims as lessees of the Limerick turnpike-road, which claims are similar, in every respect, to your memorialists', and which correspondence bears date the 20th, 21st, and 25th August 1834, and also of your Lordships' Minute, No. 17754, under date the 10th October 1834; the further memorial of Messrs. Bourne to your Lordships, dated 25th October 1834; letter from W. F. Baring, Esq. in reply, dated the 28th October 1834, and your Lordships' Minute thereon, No. 20548, under date the 31st October 1834, copies of which correspondence and minutes are set out in the appendix to this memorial.

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That the claim of your memorialists to 16,717 *l.* 4*s.* 10*d.* being similar, in every respect, with that of Messrs. Bourne, and your memorialists' further claim for 2,604 *l.* 1*s.* 3*d.* and 19,427 *l.* 2*s.* 4*d.* being founded on Acts of Parliament, and your Lordships' minute, No. 5972, under date of 23d April 1824, your memorialists confidently rely on your Lordships directing an equal measure of justice to your memorialists as your Lordships were pleased to grant to the Messrs. Bourne; and your memorialists therefore humbly

Pray that the Postmaster-general may be directed by your Lordships to adjust your memorialists' claims, on the same principle as acted upon in the case of the Messrs. Bourne, as to the sum of 16,717 *l.* 4*s.* 10*d.*, and in accordance with your Lordships' Treasury Minute, No. 5972, and the Acts passed in the 38th and 51st years of the reign of King George 3, as to the two other sums of 2,604 *l.* 1*s.* 3*d.* and 19,427 *l.* 2*s.* 4*d.*, and your memorialists will pray.

39, Camden-street, Dublin. *George Taylor.*
3 December 1835.

Appendix to the Memorial from Messrs. *Taylor* to the Lords of the Treasury.

LEGAL OPINIONS on the subject of the Claims set forth in the Memorial of Messrs. *Bourne.*

The Act of 51 Geo. 3, c. 92, was sent to the Attorney-general and the Solicitor-general for Ireland, and to Messrs. Vandeleur & Parsons, then counsel to the Post-office, with a simple interrogatory written on the face of the Act, "whether or not mail-coaches came within the provision of that law?" and to that question the following answers were given:

OPINION of the Right Hon. *W. Saurin,* then Attorney general.

"No doubt that mail-coaches and post-carriages are within the Act, and liable to the extra toll of four pence for every horse drawing either of them.

"October 15, 1811." (signed) "*William Saurin.*"

OPINION of Lord Chief Justice *Bushe,* then Solicitor-general.

"This Act is rather strangely expressed, but I think upon the true construction of it mail-coaches and post-carriages are subject to the additional toll of four pence.

"October 15, 1811." (signed) "*C. K. Bushe.*"

OPINION of Mr. *Parsons,* K.C., and then Counsel to the Post-office.

"I think that mail-coaches and post-coaches are included within the description in the Act, and that they are liable to the additional toll of 4*d.* on each horse. The only doubt I had on the case was, whether the additional toll was payable on other carriages than those carrying more than six inside and three outside; but I think the words of the enacting clause are too strong for this construction.

"October 1811." (signed) "*J. Parsons.*"

Mr. *Vandeleur,* K.C. (now one of the Justices of the King's Bench) was at the time in England, and the papers sent to him were in consequence returned; but on his arrival in Dublin the case was again sent for his consideration, and again returned, he observing to the gentleman who presented it, that he did not like to give an opinion against his client, the Post-office, as no member of the bar could entertain a doubt of Mr. Bourne's right to the fourpenny toll.

OPINION of Lord Chancellor *Plunket.*

"I am of opinion that the assignees of the persons named in the Act of the 33d of the King, are entitled, under the 51st of the King, to charge mail-coaches and post-carriages plying for hire, the additional toll of 4*d.* per horse mentioned in the last Act; and this seems to me so perfectly clear as not to admit of any doubt; and I should suppose that the Postmasters-general, when fully informed on the subject, will not, in opposition to the opinion of the Crown lawyers, take upon themselves the responsibility of throwing difficulties in the way of so fair a demand.

"8 November 1811." (signed) "*W. C. Plunket.*"

These opinions being inoperative at the Post-office, a further case, accompanied by all the previous opinions on the subject, was submitted for the advice of the Right Hon. Mr. Plunket, now Lord Chancellor, who gave the following opinion:

"The first object of consideration is Mr. Bourne's right; the second, his remedy. I have very carefully reconsidered my former opinion, and have examined the several documents then, and now, laid before me, and I cannot find any ground to warrant a change in that opinion, or indeed to throw any, the slightest, doubt upon it. By the Act of 1793, the tolls were vested in Mr. Bourne and his partner, and for the purpose of inducing them

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to undertake the duties and incur the expenditure therein mentioned, various tolls were imposed, in some instances so heavy as to operate as a prohibition on the description of carriages to which they attached. This latter circumstance, however necessary and proper it might have been in 1793, was afterwards felt to be a public inconvenience, and accordingly the Act of the 50th of the King, c. 32 (May 24, 1810), enacted that such carriages, subject to such regulations as thereby prescribed, should be subject only to the same tolls as other carriages.

"The Act, however just with respect to the public, was, on attention being called to it, admitted to be an injustice to the proprietors of the tolls, who had expended their money, and devoted their time and exertions in the faith of the protection afforded by the former Acts, and accordingly by the 51st of the King, c. 40 (May 31, 1811), the provisions of the Act passed in the preceding year were repealed, and things restored to their former situation with the same precipitancy with which they had been altered; for, as in the former instance, the interests of the public were provided for without any consideration of the rights of individuals, so, in the latter, the rights of individuals were restored without any reference to the interests of the public. In order, therefore, to do away the effect of these two indiscreet Acts, the Act of the 51st of the King, c. 92 (June 26, 1811), was passed, on the avowed principle of protecting the public, and giving compensation to the individuals.

"It enacts, therefore, not that instead of 5*s.* for every horse drawing a certain description of carriage, 4*d.* should be levied on every horse drawing the same description of carriage, which would have been only a different (a very slightly different) degree of injustice from that which had been committed by the repealed Act; but, in order to make compensation, it gives an additional duty of 4*d.* for each horse to every description of carriage plying for hire.

"The words of the Act are so clear, that it appears that the law officers and the counsel for the Post-office entertain no doubt upon it. And the justice and reason of the case are so clear, that if an Act had been passed, taking away the duty of 20*s.*, and in lieu thereof granting a duty of 1*s.* 4*d.* on the very same description of carriages, the Legislature would be bound to repeal it on the very same principle of justice on which they repealed the Act of the 50th of the King, c. 32.

"The Postmasters-general and the chief secretary to the Lord Lieutenant appear to me to have adopted a view of the case which will not be sustained on an attentive examination, and with every possible respect for the conscientious sense of public duty by which they are actuated, I own it appears to me a strong measure to throw obstacles in the way of the operation of an Act of Parliament, whose legal construction has been sanctioned by every authority appealed to, even if the policy of its enactments rested on grounds more questionable than those which have been suggested.

"24 January 1812." (signed) "*W. C. Plunket.*"

Although no possible doubt could exist on the question of law which had been so decidedly determined in the preceding opinions, yet to meet a question which had been only incidentally introduced in the previous queries, as to the liability of post-chaises to the payment of the extra toll of fourpence, a case was submitted to Mr. Serjeant Johnson, now one of the Justices of the Common Pleas, as follows:

First, "Whether the additional toll of 4*d.* per horse extends to mail-coaches, which are prohibited by their contract with the Post-office from conveying more than four inside and one outside passengers, besides the driver and guard; and are the Postmasters-general bound to pay the additional toll of 4*d.* per horse to the road companies, as they, the Postmasters-general, are bound to pay all tolls to which mail-coaches are subject by law. On the Limerick road the mail-coach contractors are also proprietors of the turnpike tolls."

"Are post-chaises plying for hire liable, under the 51st Geo. 3, c. 92, s. 2, to pay the additional toll of 4*d.* per horse?"

Opinion of Mr. Serjeant *Johnson* (now one of the Justices of the Common Pleas).

"I think the additional toll of 4*d.* per horse extends to mail-coaches, though they should be prohibited by their contract with the Post-office from carrying more than four inside and one outside passenger, and though they should in fact not convey any greater number. I think the sum of 4*d.* per horse is an additional toll to the then existing toll on the roads in question, on all stage or other carriages plying for hire, and it is not affected by the greater or lesser number of passengers; and though given in lieu of the penalty of 5*s.* for carrying a greater number of passengers than allowed, is not confined to carriages so offending, but is a general toll, payable by all stage-coaches and other carriages plying for hire on those roads; and I think the Postmasters-general bound to pay this additional toll, if, by their contract, they are bound to pay all tolls to which mail coaches are subject by law.

"The words used in the second section of the 51st of the King are extremely general, 'Stage-coaches or other carriages plying for hire, or carrying persons for hire.' It is clear that hack post-chaises plying for hire by the mile, come within the description, and are therefore liable to this additional toll of 4*d.*"

"Harcourt-street, 18 Nov. 1814." (signed) "*W. Johnson.*"

No. 3.
Memorial from Messrs. Taylor to the Lords of the Treasury.

"Early in 1823, a case was submitted to the then Attorney-general, stating that for 21 years certain tolls were paid by the Post-office for mail-coaches travelling the roads in question, until the year 1819, when an Act (the 59 Geo. 3, c. 108) was passed, which considerably diminished the amount of tolls previously paid, and counsel's opinion was requested, Whether that Act (59 Geo. 3) was not an infringement of the rights vested in individuals by the Act 38 Geo. 3, c. 83; and whether the Act of the 38th of the King, which conferred such rights, did not also secure the enjoyment of them, on the faith of Parliament, during the full period of their demise?"

OPINION of the Right Honourable *W. Saurin*, then Attorney-general.

"I am of opinion, that under the Act 38 Geo. 3, c. 83, the contractors mentioned in it were entitled to the tolls thereby appointed on mail-coaches, as well as on other coaches, there not being any exception or exemption made in their favour by the Act, nor any such exemption by virtue of any common law or prerogative principle; and it is, I conceive, quite a mistake to suppose that it was by virtue of the then Post office Act, of the 29 Geo. 3, and the renewals of it annually, that mail-coaches were liable to pay tolls on turnpike-roads, on which tolls were established by the Act of Parliament under which those turnpikes were established, and tolls granted. They were so liable because they came within the description of carriages described in those Turnpike Acts, and being so liable by law, the Post-office Act meant only to authorize the Postmasters-general to make the payment, and to regulate a convenient mode by which it should be done.

"I am, therefore, of opinion that the contractors, under the Act of 1798, were purchasers by contract, &c. for valuable consideration of the tolls thereby granted on all carriages thereby made subject to tolls, and consequently on coaches carrying the mails, as coming under the description in the Act; and have, by virtue of that Act, a legal vested right to such tolls, which they could enforce under that Act, and not as derived under the Post-office Act; and having such legal vested right, I have no doubt that the subsequent Act of the 59 Geo. 3, c. 108, s. 3, was an infringement on their legal and vested rights.

"12 February 1833." (signed) "*W. Saurin.*"

A case similar to that submitted to Mr. Saurin, was laid before Mr. John Leslie Foster, now one of the barons of the Court of Exchequer, who replied as follows:—

"The 38 Geo. 3, c. 83, vested the tolls in certain individuals for 50 years, in consideration of the expenditure of their own money, and prescribes, with great particularity, the rates which might be taken. The 16th and 24th sections determine the number of gates at which those tolls may be demanded; viz., at one gate in each division for the same horses, but at two gates in one division, if two sets of horses are employed in it. There is no exemption for mail-carriages; and on the contrary, by the Post-office Act then in force, 38 Geo. 3, c. 15, s. 29, the mail-carriages are expressly subjected to the ordinary tolls. The 59th Geo. 3, appears to me to deprive the contractors of the benefit of their agreement with the public, and to take away vested rights, without giving an equivalent.

(signed) "*John Leslie Foster.*"

The following case, accompanied by the foregoing opinions, was sent to His Majesty's attornies and solicitors-general for England and for Ireland, and other members of the bar:—

1st. Whether Mr. Bourne is entitled to the toll of 4*d.* per horse, on horses drawing mail-coaches, under the Act of the 51 Geo. 3, c. 92?

2d. Whether the Act of the 59 Geo. 3, c. 108, is not an infringement on the rights of Mr. Bourne and those from whom he derived, under the Acts of the 33 Geo. 3, c. 32, and 38 Geo. 3, c. 83; and whether the tolls payable under authority thereof, were not guaranteed to the proprietors, by the faith of Parliament, during the continuance of those Acts, notwithstanding the passing of the Act of the 59 Geo. 3, under the circumstances before stated?

OPINION of Lord Chief Justice *Denman*, then Attorney general.

"I concur in the opinion given by so many gentlemen of eminence at the Irish bar, that the toll of 4*d.* was made payable in respect of horses drawing mails by the 38 Geo. 3 and 51 Geo. 3. It follows that the third section of 59 Geo. 3 deprived Mr. Bourne of a right vested in him by the faith of Parliament.

"Lincoln's Inn, 6 November 1832." (signed) "*T. Denman.*"

OPINION of the Right Hon. Sir *William Horne*, then Solicitor-general.

"I concur in opinion with the several gentlemen in Ireland, who have been consulted on this subject, in thinking that according to the legal construction of the 51 Geo. 3, c. 92, s. 2, Mr. Bourne is entitled to the toll of 4*d.* per horse, on horses drawing mail-coaches.

"Lincoln's Inn, 9 November 1830." (signed) "*W. Horne.*"

Sir W. Horne continued to observe, that the 59 Geo. 3, c. 108, appeared to him "to infringe upon the rights vested in Mr. Bourne by previous Acts," and recommending him to apply to Parliament for redress.

OPINION

No. 3.
Memorial from Messrs. Taylor to the Lords of the Treasury.

OPINION of the Right Hon. the Attorney-general.

"For the reasons which have been so often repeated, I am of opinion that Mr. Bourne is entitled to the toll of 4 *d.* on horses drawing mail-coaches, under the 51 Geo. 3, c. 92, and that the 59 Geo. 3, c. 48, was an infringement of his vested rights.

"Temple, 20 July 1834." (signed) "*J. Campbell.*"

OPINION of the then Attorney-general for *Ireland.*

"A mail-coach is, in my opinion, a carriage plying for hire, within the meaning of the 51 Geo. 3, c. 92, s. 2, and therefore Mr. Bourne is entitled to the toll of 4 *d.* per horse, thereby imposed for each horse drawing it.

"The tolls granted by the Acts of the 33 Geo. 3, c. 32, and 38 Geo. 3, c. 83, were payable for horses drawing mail and all other coaches. By these Acts, they were vested in, and became the absolute property of the toll proprietors for a term of 50 years, and were unquestionably guaranteed for that term, by the faith and authority of Parliament: it follows, of necessary consequence, that the Act of the 59 Geo. 3, c. 108, was a direct infringement and violation of the rights which those Acts created.

"24 September 1832." (signed) "*F. Blackburne.*"

OPINION of the then Solicitor-general for *Ireland,* now a Judge of the Court of King's Bench.

"I am of opinion, that Mr. Bourne, under the 51 Geo. 3, c. 92, became legally entitled to the toll of 4 *d.* per horse, on horses drawing mail-coaches, as well as other carriages plying for hire.

"2dly. I think that the Act of the 59 Geo. 3, c. 108, was a direct infringement of the rights of Mr. Bourne, under the Act of the 51 Geo. 3, c. 92, and the previous Acts upon the same subject; and I think that the tolls so payable, under the authority of the 51 Geo. 3, c. 92, were by the faith of Parliament guaranteed to the proprietors of such tolls during the period of 50 years, limited by the Act of the 38 Geo. 3, c. 83. I must add, that I think the statute of the 59 Geo. 3, c. 108, would not have received the sanction of the Legislature, had they been apprised of the nature and character of Mr. Bourne's rights under the previous Acts.

"25 September 1832." (signed) "*P. C. Crampton.*"

OPINION of *G. Bennett,* Esq., King's Counsel.

"1st. I am decidedly of opinion that Mr. Bourne is entitled to the additional toll of 4 *d.*, per horse, on horses drawing mail-coaches, under the Act of the 51 Geo. 3, c. 92, a mail-coach being within the very terms of the Act, 'a carriage conveying passengers for hire.'

"2dly. By the Acts of the 33 Geo. 3, c. 32, and 38 Geo. 3, c. 83, Mr. Bourne, and those from whom he derived, were entitled to the tolls payable by those Acts for a period of 50 years; and I look upon them to have, in fact, contracted with the Legislature for those tolls during that period; consequently, I am clearly of opinion that the Act of the 59 Geo. 3, c. 108, was an infringement on their legal vested rights, which I can scarcely believe the Houses of Parliament were aware of, or of the effect of the Act when they passed it.

(signed) "*George Bennett.*"

"Merrion-square, 27 September 1832."

OPINION of *R. W. Greene,* Esq., King's Counsel, and First Serjeant.

"I am clearly of opinion that, under the 51 Geo. 3, c. 92, s. 2, Mr. Bourne is entitled to the additional toll of 4 *d.*, thereby imposed for each horse drawing a mail-coach, such coach being a carriage plying for hire, or conveying persons for hire.

"The right to toll conferred by the Act 33 Geo. 3, c. 83, extended as well to mail-coaches as to other coaches. Such right was by these Acts absolutely granted to the proprietors for a definite term of 50 years. If, therefore, the proprietors of the tolls were entitled, before the passing of the 59 Geo. 3, c. 108, to toll upon a change of horses (as it appears they were), it necessarily follows, as I conceive, that the latter Act was a direct infraction of their legally vested rights, for which I think the Legislature must be considered as having contracted with them and their assigns by the original Acts.

(signed) "*Richard W. Greene.*"

"20 September 1832."

The following are copies of the Correspondence and Minutes referred to in the foregoing Memorial:

No. 3.
Memorial from Messrs. Taylor to the Lords of the Treasury.

COPY of a LETTER from *W. F. Baring*, Esq., to Messrs. *Bourne*.

"Gentlemen, Treasury Chambers, 20 August 1834.

"I HASTEN to put on paper, for your consideration, the suggestion which I threw out to you in conversation this morning.

"That your claims against the Post-office, and the claim against you for the advance which had been made to you, shall be brought to a final decision on one of two principles: either upon the law according to the legal construction of the Acts of Parliament, without reference to the considerations brought forward, or upon the principle of equity, taking into consideration the real pecuniary effect upon your interests as toll proprietors, by the Acts of Parliament, both sides waiving any legal rights which may arise from the Acts in question.

"In the first case, it will be necessary to obtain some legal decision on the question, under which the Treasury might act; but I beg again to repeat to you, that it is not the wish of this department to put any parties to any unnecessary expense; and, therefore, I feel perfectly sure that I shall receive the sanction of the Board to enter into any arrangement, for the purpose of obtaining a competent legal opinion, without putting you to any unnecessary delay or expense. I do not feel that there will be any difficulty in making an arrangement on this point, that will be satisfactory to both parties. In the second case, the decision would rest with the Treasury, upon an attentive consideration of your claim; the decision in either case to be final.

"I must again state to you, as I did this morning, that this proposal has not, as yet, been before Lord Althorp, and therefore you must consider it only as a suggestion, thrown out by myself, as a means of bringing your long-pending case to an end. Without Lord Althorp, I can, of course, take no final step; but I shall be happy, upon receiving your answer, to bring it before him; and knowing the attention he has given your case, I feel no doubt that I shall receive from him a reply without delay.

"I am, &c.
(signed) "*W. F. Baring.*"

A letter was written by Messrs. Bourne to Mr. Baring, on the 21st August, in reply to his letter of 20th August; but that gentleman, in a subsequent conversation, having required some alterations in it, the following letter was sent in place of it:

Messrs. *Bourne* to *W. F. Baring*, Esq.

"Sir, Regent Circus, 25 August 1834.

"WE have to acknowledge the receipt of your letter of 20th instant, in which you have the goodness to suggest two modes for the adjustment of our claims against the Post-office department, partly arising from an extra toll of 4 *d.* for each horse drawing His Majesty's mails, granted to us as lessees of the Limerick turnpike-road, by the 51 Geo. 3, c. 92, s. 2, and withheld from us since the passing of that Act, on the 26th June 1811, and partly from the infringement (by the Act 59 Geo. 3, c. 108) of a right to toll on change of horses, which had been vested in us by two Acts of the Irish Parliament, and confirmed by two Acts of the Imperial Legislature.

"You have the goodness to suggest, 'that our claims against the Post-office, and the claim against us for the advance which has been made to us, shall be brought to a final decision upon one of two principles: either upon the law according to the legal construction of the Acts of Parliament, without reference to other considerations brought forward; or upon the principles of equity, taking into consideration the real pecuniary effect upon our interests as toll proprietors, by the Act of Parliament, both sides waiving any legal rights that may arise from the Acts in question.'

"Desirous to terminate a business, which for more than 20 years has been the occasion of great anxiety and expense to us, and grateful for the dispositions so obligingly expressed of closing it in a manner attended with the least delay and expense to us, we beg leave to avail ourselves of your first proposition, namely, to refer the questions to a final decision upon the law, according to the legal construction of the Acts of Parliament, without reference to other considerations brought forward.

"We have, &c.
(signed) "*W. H. & R. Bourne.*"

COPY of a LETTER to *W. F. Baring*, Esq., (endorsed private,) dated 21 August 1834.

"Sir, "33, Regent Circus, 21 August 1834.

"THE accompanying official reply to your letter of 20th instant, is, I presume, in conformity with the spirit of your suggestions; should it, however, be otherwise, I shall have great pleasure in making any alterations you may deem expedient. I was desirous of an opportunity personally to explain a seeming reservation in the concluding paragraph in the accompanying letter, which originated in the following circumstance.

"The late Mr. Anderson, of Fermoy, was my partner in the Limerick road, under the Acts 33 & 34 Geo. 3, and I purchased his interest therein for an annuity of 800 *l.*, payable during the continuance of these Acts. Mr. Anderson subsequently sold that annuity to Mr. Maxwell, of Cork; and on the passing of the 59 Geo. 3, by which a quarter of the Post-office tolls was taken away, that gentleman consented to abate a quarter part of his annuity, with a condition, recognised in each quarterly receipt, that, should Government restore

restore the tolls, the full amount of the stipulated annuity should be paid, but not otherwise. Thus circumstanced, my brother and I can only covenant for ourselves or those who may derive from us hereafter, without compromising the claims of Mr. Maxwell, or of any others, over whom we have not any control whatever.

No. 3. Memorial from Messrs. Taylor to the Lords of the Treasury.

"I have, &c.
(signed) "*W. H. Bourne.*"

Copy of Treasury Minute, dated 10 October 1834. No. 17754.

"Read a report of the solicitor on letters from Messrs. W. & R. Bourne, relative to their claims on the Post-office, as lessees of the Limerick turnpike-road.

"Transmit to the Postmaster-general a copy of the printed memorial of W. H. Bourne, on behalf of his brother Richard and himself; and acquaint his Lordship, that after communication with Messrs. Bourne, on the subject of their claims on the Post-office in Ireland, as lessees of the tolls on the Limerick road, in consequence of losses sustained by them, by the operation of the Acts of Parliament reducing the tolls:

"My Lords agreed with Messrs. Bourne, that their whole claim should be finally decided on the law of the question, according to the legal construction of the Acts of Parliament, without reference to any other considerations; and with a view to settle their claim according to the strict letter of the Acts, my Lords called upon their solicitor to make a report, of which they now enclose a copy; and they are pleased to desire that the claims of Messrs. Bourne may be settled according to the law, as it is stated by the solicitor, in which settlement Messrs. Bourne will be charged with the debt due by them to the Government.

"In regard to the question of allowing interest on the arrears of tolls, and charging interest on the debt due by Messrs. Bourne, my Lords are pleased to desire that simple interest, at the rate of 5 per cent., may be charged on both sides.

"Transmit a copy of this Minute to Messrs. Bourne, for their information.

"Let a copy of the solicitor's report be sent to the Postmaster-general."

(Copy.)

Memorial of *W. H. Bourne*, on behalf of his Brother *Richard Bourne* and Himself.

To the Lords of His Majesty's Treasury,

"Humbly showeth,

"That your Lordships' Minute of the 10th instant, No. 17754, having directed that the claims of your memorialists, for certain tolls granted to them by the 51 Geo. 3, c. 92, as also the debt due by your memorialists, as lessees of the tolls of the Limerick road, to His Majesty's Exchequer, for money lent by the Irish Government, shall be settled in conformity with directions therein contained.

"Your memorialists submitted the accompanying cases to an actuary of great professional and practical science, who, assuming the principle laid down by your Lordships of computing the accounts, and on both sides, at 5 per cent. simple interest, has ascertained the balance to be 7,318*l.* 12*s.* 4*d.*

"Your memorialists most humbly pray that their debt to His Majesty's Exchequer, of 12,608*l.* 14*s.* 8*d.*, may be paid to that department, in discharge in full for all claims on account of the loans aforesaid, amounting to 5,721*l.* 4*s.* 6*d.*, out of the money due to them by His Majesty's Postmaster-general, namely, 19,927*l.* 6*s.* 7*d.*, and that the residue, namely, 7,318*l.* 12*s.* 4*d.*, so due to your memorialists, may be forthwith paid to them; and your memorialists, as in duty bound, will ever pray.

"33, Regent Circus, 25 October 1834."

Copy of Letter from *W. F. Baring*, Esq., to *W. H. Bourne.*

"Sir, Treasury Chambers, 20 October 1834.

"I have laid before the Lords Commissioners of His Majesty's Treasury your memorial, dated 14th instant, on behalf of your brother and yourself, lessees of the tolls of the turnpike-road from Naas to Ballyroan and to Limerick, praying that the tolls may in future be paid out of the revenues of the Post-office in Ireland, during the remainder of the period of your interest therein, and I am directed by their Lordships to acquaint you, that my Lords, having directed the Postmaster-general to settle your claims, on the legal construction of the Acts of Parliament, according to the report of their Lordships' solicitor, the Postmaster-general will no doubt consider himself bound to pay to you, for the future, whatever amount of tolls the Acts of Parliament entitle you to receive, on the same principle as is applied in settling the arrears.

"With reference to your further memorial of 16th instant, I am directed to acquaint you, that my Lords conceive that the Postmaster-general will find no difficulty in settling your claims, under the directions which he has already received; but if such difficulty should arise, my Lords will be prepared to consider it.

"I am, &c.
(signed) "*W. F. Baring.*"

No. 3.
Memorial from Messrs. Taylor to the Lords of the Treasury.

TREASURY MINUTE, dated 31 October 1834. No. 20548.

"READ memorial of Mr. W. H. Bourne, dated 25th instant, on the subject of his and his brother's claims on the Post-office, as lessees of the tolls of the Limerick turnpike-road.

"Transmit copy of this memorial, and copy of the report of the actuary therein enclosed, to the Postmaster-general, requesting him to give directions for the early consideration of the details of Messrs. Bourne's claims, with a view to their settlement on the principles already determined on."

Appendix, No. 4.

No. 4.
Letter from George Taylor to E. J. Stanley, Esq.

COPY of a LETTER from *George Taylor* to *E. J. Stanley*, Esq., Secretary to the Treasury.

Sir, 39, Camden-street, Dublin, 8 February 1836.

I HAD the honour to receive your letter of the 8th December 1835, transmitting the reply of the Right Honourable the Lords Commissioners of His Majesty's Treasury to our several memorials relative to tolls withheld from us, as lessees of the Kilcullen turnpike road, by the Post-office. In this reply, their Lordships are pleased to say, "that as your claims for arrears of tolls upon the mail-coaches were under the consideration of the Government in 1823 and 1824, and, after mature deliberation, an arrangement was entered into, by the Minutes of this Board of 5 April and 19 November 1824, and as this arrangement has been acquiesced in, and acted upon by both parties since that period, my Lords cannot consent to re-open the case as regards the arrears of tolls now claimed for mail-coaches."

In reply, I beg to state, on behalf of my co-lessees, and for myself, that, with every respect, we conceive their Lordships must have been misled by an erroneous report of the facts of our case when they came to the conclusion that we ever applied in 1824 for that which we now respectfully claim, and that an arrangement was then made, after a consideration of our entire case, which has since been acquiesced in; for, in point of fact, the claims set forth in our memorials of date 27th October 1832, 2d January and 25th July 1835, never were in any form or at any time brought under the consideration of the Lords of the Treasury, though demanded as a matter of right from the Post-office department; and for this simple reason, that what we now claim is payable to us under certain Acts of Parliament passed expressly for that purpose, which Acts are still in existence, and liable to be enforced by redress at law, if their Lordships will only direct that our claims may be put into the course of legal inquiry.

The interference of the Lords of the Treasury required by us in the years 1823 and 1824, and to which their Lordships are pleased to refer, arose out of the passing of the 59 Geo. 3, c. 108, intituled "An Act to amend several Acts relating to the Post-office and Conveyance of Letters in Ireland," the 3d section of which states:—

"And whereas arrangements are making for the postage and conveyance of mails and bags of letters by coaches in Ireland with increased expedition, and it may happen that by change of horses in the same division of road an additional toll may be charged and chargeable on such coaches, to the diminution of the revenue of postage in Ireland;" be it therefore enacted, from and after the passing of this Act, no mail-coach, mail-diligence or mail-cart conveying or employed to carry any mail or bag of letters in Ireland, shall be charged or chargeable with any toll more than once in the same division of road in the same day, calculating from 12 o'clock at night till 12 the succeeding night, and that no change of horses shall subject any such coach, diligence or cart to any additional toll at any turnpike-gate whatsoever, any Act or Acts to the contrary notwithstanding."

By which clause the lessees were deprived of the third payment from the two Cork mails of 16 *s.* British per day, (a toll for change of horses at Naas,) heretofore regularly received by them from the commencement of their contract to the passing of the said 59 Geo. 3, c. 108. It was therefore for the restoration of the said toll of 16*s.* per day so taken away that we applied to the Government in 1823 and 1824.

From the foregoing statement it will be perceived at once that there is not the slightest connexion between our present claims and those before their Lordships in 1824; and I humbly but confidently rely on their Lordships agreeing, as in Messrs. Bourne's case, (*see* Treasury Minute, No. 17754, dated 10 October 1834), that the whole of our claim should be finally decided on the law of the question, according to the legal construction of the Acts of Parliament, without reference to any other considerations; and I am ready to submit this question to their Lordships' solicitor, on whose report to their Lordships Messrs. Bourne's claims to October 1834 were paid in full, and upon which report and order they are receiving the tolls we now claim from the Post-office.

I have, &c.

George Taylor.

Appendix, No. 5.

No. 5. Reply of Messrs. Taylor to the Report of Sir Edward Lees.

REPLY of Messrs. *Taylor*, Lessees of the Kilcullen Road, to the Report of Sir *Edward Lees*, dated 14th April 1836, made to the Lords of the Treasury on the subject of their Claims, and those of Messrs. *Bourne*, to Arrears of Tolls from the Post-office Department.

MY attention having been called to a paper put in by Sir Edward Lees, dated 14 April 1836, although I might (without any disrespect for that gentleman's talents, or his station as a public officer) rely on the Report of a former Committee of 1832, founded on evidence taken, as well as numerous opinions of eminent lawyers laid before them, and which have been submitted in substance to this Committee in a copy of my memorials to the Lords of Treasury on the claims of the lessees of the Kilcullen-road; yet I think it respectful to offer the following observations in reply to his statement:

Sir Edward Lees commences his Report with an admission that the plan of conveying mails by coaches containing passengers had been tried, but could not be carried into effect without subjecting these conveyances to turnpike toll, in order to cover the expense of improving and maintaining turnpike roads in a state suited to a new and more expeditious mode of travelling. Accordingly, the Act of 1790 was passed: if this Act, which first imposed tolls on mail-coaches is to be considered, as he states, a temporary or annual one, surely the Acts by which such tolls were subsequently vested in contractors for 50 years were not of that nature; nor can the argument Sir Edward here offers be entertained, viz., that when the contractors had put the roads in a fit state of repair, the consideration for which they had stipulated to do so might be withdrawn, for such it really amounts to.

He next proceeds to the subject of payment for change of horses, and sets up a distinction between these and divisional payments of toll, on the ground that the former are not charged on passing a toll-bar. He is altogether mistaken; the liability in both cases is on passing a toll-bar. In the case of change of horses, the charge is incurred at a second toll-bar in the same division, because it is not the same coach and horses that had been previously charged at the first toll-bar on entering the division; nor were any charges ever made by the Kilcullen-road contractors for change of horses, excepting where those horses passed through the second toll-bar in the same division of the road.

Applying himself in the next place to the claim of 4*d.* per horse, substituted for the original toll of 5*s.* per horse for an extra number of passengers, he maintains it was merely prohibitory, and not of any avail as a source of revenue. The opinion Sir E. Lees here offers, viz., "It is impossible to imagine how they (viz., the tolls of 5*s.* per horse) could have increased the toll revenue," and the assertion he hazards, viz., "in point of fact, they never added a single shilling of toll-duty to the funds of the road," are equally erroneous, as the Committee must be satisfied of by the following copy of an account, furnished on the 9th July 1805, by Capt. Taylor, who was then in the management of both the Limerick and Kilcullen roads, to the proprietor of the Limerick stage, where the charge is distinctly made and particularized.

(Copy.)

The Proprietors of the Limerick Stage-coach
Dr. to the Contractors for the Limerick Road.

	£.	s.	d.
For one quarter's turnpike-tolls, due on the 5th of July 1805 -	92	11	1
To extra tolls for conveying nine inside passengers from Limerick to Kilmastulla on the 2d July 1805, and eight more passengers forward to Dublin on the same day (Molloney, coachman) - -	9	–	–

This system of keeping an account of extra passengers was afterwards done away by the coach proprietors compounding with the road proprietors for a yearly payment in lieu of same; thus establishing the revenue in question on a footing acquiesced in by both coach and road interests.

Referring to the circumstances under which the contract for the Kilcullen-road was made, Sir E. Lees appears to insinuate that the Act to legalize it being passed "when the minds of all men were engrossed by the public disturbances," advantage must have been taken of such general perplexity; but it cannot be supposed that anything but the most imperative demands of the public service could have drawn attention to turnpike-road Acts at such a time; demands the urgency of which will be apparent to your Committee on reference to Appendix No. 14, to the Report of the Committee of 1832. In fact, it was a conjuncture when the contractors claimed, and at that time were fully allowed due credit for undertaking the public service upon the reasonable terms agreed to; for it is to be observed, that the whole income of this road, at the commencement of their contract, did not amount to what is now expended in repairs alone, and that the improvement in revenue, since that time, is attributable (independently of the contractors' superior management) to the increased population and traffic of the country.

No. 5.
Reply of Messrs. Taylor to the Report of Sir Edward Lees.

In reference to Sir E. Lees' remarks on the works required to be executed by sect. 50 of the Kilcullen-road Act, very sufficient explanations have been given by Mr. William Taylor, before the Committee of 1832, on this subject. The contractors had no interest whatever in avoiding the execution of these works, as the expense attending them was to be defrayed by additional tolls, and not out of their pockets; but the works were totally unnecessary, and no doubt the Post-office would have been first to object to the additional charges the mails would have incurred, in case of their having been undertaken. The attempt would have been represented as a job, and not without justice.

Sir Edward Lees proceeds to argue, that, having been refused on their first application, although sustained, as he admits, by the favourable opinions of several eminent members of the Irish bar, the lessees of these roads desisted from further demand, and consequently abandoned their claim to the toll of 4*d.* per horse. It will surely be admitted that the arbitrary interpretation of Acts of Parliament assumed by the Post-office, and that department's disregard of the best sustained representations, such as here actually described by Sir E. Lees, might well deter the lessees from such unavailing efforts. Redress was clearly not to be had from the Post-office, and recourse to the Lords of the Treasury was all that remained for the lessees.

One more argument Sir E. Lees relies upon, founded on the circumstance that the lessees of the Kilcullen-road do not charge the 4*d.* per horse toll on other carriages than the mails. The lessees, acting on the principle of giving facility to the extension of intercourse, and avoiding the possible imputation of perverting their rights to purposes of monopoly, have made reductions, according to agreement, in favour of conveyances, the profits on which could not afford the full tolls authorized by the law. Caravans (a sort of stage for short distances), for example, are charged only half the toll per horse that stage-coaches pay; but the proprietors of stage-coaches have never on that account claimed a reduction of toll to a similar rate, nor considered themselves thereby mulcted or treated with injustice, although perfectly aware of the reduction made to caravans. Surely the right of the lessees to abate of their charges will not be denied; but the right of the Post-office may be well denied to make terms for the tolls of the mails without regard to the law, or the consent of the parties in whom the right to receive these tolls is vested.

It were waste of the Committee's time to follow Sir E. Lees through the various allegations and reasonings which he employs in invalidation of the two items of claim hitherto treated of: they may be classed, however, under two heads; the first comprising those various assertions of the intentions of the Legislature, which he ventures to interpret at direct variance with unequivocal terms of solemn enactments; and the second head, containing those legal reasonings and opinions of his, which he expects will be embraced in preference to the adverse opinions of the highest law authorities, amongst whom is to be found, that of the Hon. Mr. Parsons, counsel to the Post-office department.

There is this observation to be added, that while Sir E. Lees repudiates the law opinions obtained by Mr. Bourne, as being formed on a restricted view of the case, he does not support his own positions by any opinions of law authorities consulted by the Post-office, on a more comprehensive view of the same case; from which it is to be inferred, either that such opinions were not taken, or, having been taken, they proved unfavourable. On the first supposition, it is clear the lessees' claims have not had the proper test applied to them by the Post-office; on the latter supposition, opinions so taken would better deserve the Committee's attention than those of Sir Edward Lees.

The next item he notices in Messrs. Taylor's claims on the Post-office, viz. for 2,604*l.* 1*s.* 3*d.*, Sir Edward Lees complains is not accompanied by any sufficient explanation; but he asserts that the Post-office constantly discharged all the divisional payments required by the statute. The law requires that the officers of the Post-office themselves shall make up the quarterly accounts of tolls, which they have rigidly complied with, so far as rejecting all assistance, explanation or remonstrance from the holders of these tolls. Why the account is so made up, therefore, the lessees cannot tell; but this claim is for no other than such a divisional payment as Sir Edward Lees speaks of on the Waterford mail-coach, which has constantly been withheld, upon what ground, the lessees could never understand, as this coach travels exactly as the other mails which pay divisionally four times daily each, viz. twice up and twice down; whereas, the Post-office will only make three payments for the Waterford mail.

The Report of Sir E. Lees concludes with claiming the benefit of some evidence given before the Committee of 1832, as to the imputed neglected state of the Kilcullen road. That evidence referred to periods long elapsed previously to 1832. Nor did the Committee, who founded a report upon all the evidence taken on the subject, come to the conclusion it was the object of that part to establish. It is remarkable, however, that Sir E. Lees should have recourse to evidence taken before a Committee of the House of Commons, where he himself would have been the proper depositary of the complaints of coach contractors against the road, and which he would have no doubt appealed to, had they ever been made.

Respectfully submitted to the Select Committee on Turnpike Roads in Ireland.

George Taylor,
for self and co-lessees of the Kilcullen Road.

52, Leicester-square, 22 June 1837.

Appendix, No. 6.

PAPERS delivered in by Mr. *Frederick Bourne*, and referred to in his Evidence of 26 June.

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Papers referred to in Mr. F. Bourne's Evidence, 26 June 1837.

MEMORANDA by Mr. *Bourne* on the subject of Sir *Edward Lees*'s Report to the Lords Commissioners of the Treasury, dated Edinburgh, 14 April 1836, &c.

Sir E. Lees states that there is no reason to believe that Parliament, by the Act of 1790, intended to subject the Post-office to turnpike toll as a permanent impost, because the Post-office Act was a Revenue Act, and as such required to be renewed annually: the Act of 1790 was not a revenue annual Act, but a general road Act, imposing certain tolls fo 1a period of 30 years. The intention of the Legislature as to the permanency of a tax can only be judged of by its enactment, and in this case both the letter and the spirit of the law are in opposition to Sir E. Lees's conception of it. Sir Edward should have recollected that the Post-office was in the practice of granting contracts for ten or more years for the conveyance of the mails, with the invariable condition of paying the turnpike tolls during the continuance of the contract, which the Postmasters-general could not have covenanted to do under the authority of an Act which had only one year to run. It mattered little, however, to the Postmasters-general whether they paid the tolls themselves, or gave to the coach contractor such increased mileage as would enable him to pay them; for it is quite obvious, notwithstanding the prolix report in question, that the tolls on mail-coaches must be paid during the continuance of the Acts which imposed them.

Sir E. Lees asserts that the 38 Geo. 3, c. 32, does not authorise the lessees of the Limerick road to demand more than one payment in each of the nine divisions into which the road from Naas to Limerick is divided: if such was the law, how will Sir E. Lees (the executive officer of the Post-office, and charged with the conservation of its interests), justify himself in having for a period of 21 years, namely, from 1798 to 1819, connived at or permitted a fraud on the revenue of several thousand pounds in the payment of that toll; he had the professional assistance of two eminent lawyers, the present Judge Vandeleur and the late Honourable John Parsons, then counsel to the Post-office; if he neglected to consult them on the occasion, I submit that he was guilty of a culpable dereliction of his duty; and if he did consult them, he may perhaps be considered deficient in candour at least, in suppressing from the Treasury and from this Committee the result of such consultation.

His assertion that the Act of 38 Geo. 3 did not confer the right in question, is refuted by the fact that he found it necessary to get a clause inserted in the Act 59 Geo. 3, to do away that right which he now says never existed. The opinions of many of the first lawyers in the empire, and the decision of the Lords of the Treasury, as expressed in their minute of April 1824, not only establish the existence of such right, but reprobate the injustice of its abrogation.

The accompanying opinions of all the barristers who for many years past filled the situations of attorney-general and solicitor-general, and many of whom now do honour to the judicial benches, furnish such conclusive refutation to the cavil of Sir E. Lees on the subject of the extra toll of 4 *d.*, that I shall only add, the Lords of the Treasury, after a careful and protracted inquiry, have rendered that justice which had been so long and so injuriously withheld by the Post-office.

I beg leave further to say, in reference to Sir E. Lees's statement, that Mr. Bourne never for an instant acquiesced in the rejection of his claims by the Post-office, or relaxed in his endeavours to enforce them; if he appeared quiescent for a while under the oppression heaped on him by the Post-office, it was from the hopelessness of continuing to demand justice from a department where he had reason to believe it did not exist; but he felt throughout that when his claims became disencumbered of official misrepresentation and influence, that they would triumph, as they have done.

Sir E. Lees misquotes the title of the 38 Geo. 3, c. 83, omitting all mention of the Limerick road, and having thus garbled it, he observes, "from this title it appears that the Act ostensibly relates to the road from Dublin to Cork, although it contains also, by way of parenthesis, a very suspicious notice of the Limerick road;" and to screen that misstatement from detection, in the abstract of the Act which he gives in an appendix to his report, he further omits the clause in toto relating to the Limerick road; had he given it, it would have proved that it was an explicit, substantive and independent enactment, and not, as he says, a suspicious notice by way of parenthesis.

Sir E. Lees states that it was established by the Minutes of Evidence before the Committee in 1832, and is particularly shown by a petition from five commissioners of the road to the Lord-lieutenant on the 4th November 1822, that Mr. Bourne had suffered the road to be in a bad state of repair, but he has not the candour to notice Mr. Bourne's explanation and refutation of the charge, although contained in the same report; neither has he noticed the resolutions of 54 commissioners of the road, commendatory of its state and management, agreed to in the same month, and recorded in the same minutes of evidence; and he is also silent as to other resolutions signed by the Earls of Rosse and Llandaff, Lord Gort, and 41 other commissioners, who declared "We the undersigned commissioners, magistrates, landowners or persons who, by travelling on, are interested in, and acquainted with the state of the mail coach road between Limerick and Naas, are induced by considerations

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of public justice to state our several opinions that during the time we respectively have known it in the care and management of Mr. Bourne, it has fully merited its general character of being one of the best roads in Ireland.

28 May 1832.

In defiance of these testimonials, and the almost universal admission of the excellence of the road, Sir E. Lees labours to impute neglect to the lessees; and assuming that the road is not in efficient repair, asserts that any failure on the part of the contractors, in the performance of any of their engagements as to the repair or the improvement of the road, vitiates their contract in toto, and deprives them of any claim for protection or indemnification: in this, as usual, he is in error; the law affords to the public ample, defined and efficient remedy for any breach of compact, and fortunately for the contractors, it likewise protects them from the infliction of injustice howsoever excited.

Sir E. Lees argues that the Messrs. Taylor have no right to compensation under the operation of the Act 59 Geo. 3, as he could not discover that they were entitled to exact toll twice in any one division, or had done so. It was, however, a fact of general notoriety, and could scarcely have escaped his knowledge, that Messrs. Taylor did charge the toll in question on the stage coaches and caravans of the Limerick Company, who, in consequence, adopted a circuitous route to avoid the payment, and continued to do so for a considerable time, when an arrangement took place between the parties, which relieved the coach company from the toll, without affecting the right of the lessees of the road to enforce its general imposition.

The Chamber of Commerce of Limerick, in a petition to Parliament, which has been referred to this honourable Committee, complain of what they consider a monopoly prejudicial to their interests, and which, some years since, made it necessary for them to pay the sum of 300 *l.* for an acceleration of their mail coach; the fact is, and it must from the lapse of time have escaped the recollection of that respectable body (to whom no one could impute intentional misrepresentation), that the coach company having, in their solicitude to promote the convenience of the public, undertook, without any pecuniary recompence whatever, or expense to the Post-office, to perform the journey from Dublin to Limerick in 15 hours instead of 20 hours which were allowed by contract, the Chamber of Commerce voted 300 *l.* to the contractors without their knowledge, and they in acknowledging the vote, observed that if the gift was intended as a testimonial of approval and good wishes, it would be received with corresponding feelings on their part, but if it was considered as a payment or adequate compensation for the service rendered to them, it would be unhesitatingly rejected.

The accompanying lists of the public conveyances on the Limerick road, their rates of travelling and of charges, and a comparison between them and the rates on other roads, will establish the fact that the travelling on the Limerick road is the fastest and amongst the cheapest in Ireland, whilst the number of vehicles which the company have been obliged to relinquish in consequence of insufficient support, demonstrates that it is the want of intercourse, and not any restriction on it by the law in question, that limits the number of conveyances to the present establishment; the greatly improved speed and accommodation of the canal passage boats contribute to this result, and threaten to supersede land carriage generally along the lines they traverse.

Mail and Stage Coaches, &c. on the Limerick Road.

——	Distance.	Rate of Travelling per Hour.	Inside Fare.		Outside Fare.		——
	M. F.	M. F.	*s.* *d.*	Rate per Mile.	*s.* *d.*	Rate per Mile.	
Mail	119 2	9 1	35 –	3 ½ *d.*	20 –	2 *d.*	
Day	– –	8 4	32 6	3 ¼ *d.*	18 6	2 *d.*	Nearly.
Parsonstown	76 2	8 5	15 –	2 ⅓ *d.*	9 –	1 ½ *d.*	6 times a week.
Thurles	93 –	8 –	18 –	2 ⅓ *d.*	10 –	1 ½ *d.*	3 ditto - ditto.

A caravan leaves Dublin every morning at seven o'clock, and performs the journey to Roscrea, a distance of 76 miles 2 furlongs, in 10 ½ hours. The passengers proceed next morning by car to Nenagh, and thence by coach to Limerick. The outside fare from Dublin to Limerick, 12 *s.* 6 *d.*

Cars are despatched from Roscrea and from Parsonstown every morning for Nenagh, where they join a coach for Limerick, and arrive there at 11 o'clock. The coach returns at four in the afternoon for Nenagh, where cars are in attendance to take the passengers to Roscrea and to Parsonstown.

A coach from Newbridge, having branches to Rathangan and to Monasterevan, arrives in Dublin every week-day at 10 in the morning, and returns at three o'clock. Rathangan is 39 ½ miles, and the fare 3 *s.* 6 *d.*

Coaches

Coaches and caravans discontinued on the Limerick road for want of intercourse; viz. a coach from Dublin, *via* Parsonstown, to Limerick, discontinued between the latter places after a losing struggle of several years.

A heavy coach between Dublin and Limerick, *via* Montrath, discontinued from want of intercourse.

A coach from Dublin to Roscrea, relinquished after a year's trial.

A caravan, which performed the journey from Dublin to Limerick in two days, was necessarily abandoned after a long trial and considerable loss.

A caravan to Mountmelick discontinued from want of support.

A caravan to Montrath lately put down from like cause.

STATEMENT of the Case of *W. H. Bourne*, Esq.

The nearly impassable state of the road from Dublin to Limerick is forcibly described in a report from the Postmaster-general of Ireland to the Parliament of that kingdom, the 24th February 1789, and by five special Reports of the House of Commons, prior to 1791.

In that year the late Mr. Anderson and Mr. Bourne were induced to establish a mail-coach between Dublin and Limerick, by an assurance from several influential persons that the road would be promptly put into repair; but, instead of that being done, Messrs. Anderson and Bourne were under the necessity, in a short time, of lending 2,000 *l.* to the Commissioners of the first of the three divisions into which the line from Naas to Limerick was divided, for the temporary repair of that division; whilst upon the second the coach had to go three miles about to avoid part of one stage; and on the third it was often necessary for men with long poles to proceed and explore a passage for the coach in the night, along a causeway over a morass flooded by the Shannon, or crossing it, to adopt a line equally bad through the county of Clare, over another long and dangerous causeway, also often flooded by the same river, and having several unfenced bridges at right angles with the road. Scarce a week passed without an upset; and though this coach (like the only other mail-coaches then in Ireland, the Cork and the Belfast), was required to travel only at the rate of four miles per hour, it could not keep that time.

Under these circumstances, Government and the Road Commissioners, comprising the Lord Chancellor (the late Earl of Clare), the Chancellor of the Exchequer (the late Sir John Parnell), the late Earls of Portarlington and Norbury, Lords Perry, De Vesci and Kiltarton, and the present Earl of Limerick, after much negociation with the coach company, agreed that the tolls and management of the road should be vested in them for 30 years, with a covenant for the protection of their establishment, and particularly against a long coach contemplated by the Grand Canal Company, so soon as the state of the road would admit of it.

Accordingly, an Act of Parliament was passed, of the 33d Geo. 3, c. 32, for that purpose, vesting the tolls and management of the road from Naas to Limerick in Messrs. Anderson and Bourne; and by the third section, in addition to the ordinary toll, a penalty of 5 *s.* for each horse drawing every stage-coach or other carriage, which should convey more than six inside or three outside passengers, was imposed, which clause was strongly objected to, and particularly by Lord Limerick, who, however, despairing of other means, at length acceded to the clause, and it became part of the Act of the 33 Geo. 3, c. 32, s. 17.

It cannot be said this virtual monopoly has been injurious to the public, because, to prevent a want, or an opinion that a want existed, there have been more coaches from Dublin to Limerick than to any other place in Ireland; whilst their fares have been and are amongst the lowest, and their travelling the most expeditious in the kingdom, the journey, which it was often impossible to perform in 24 hours, now not exceeding 14. In 1793, what was called the statute load of 7½ cwt. could with difficulty be drawn by one horse; the present ordinary load exceeds a ton; and it is not unusual for the common carriers to convey, with one horse, two hogsheads of sugar weighing 32 cwt. On the Act being passed, Mr. Anderson and Mr. Bourne caused surveys and estimates to be made by the most competent persons, to one of whom, the late Major Taylor, Mr. Bourne made one payment of 100 *l.* in the progress of the work.

On soliciting the several grand juries to present the land in conformity to the law, and thereby afford Messrs. Anderson and Bourne the requisite power to make new roads at their own expense, local interest too often preponderated over that of the public, one consequence of which has been, that the public carriages have already travelled 100,000 miles more than would have otherwise been necessary.

When such influence did not operate, and the land was presented, several miles of new road were made, upon one of which Mr. Bourne expended, in little more than a year, 7,999 *l.* of his own money, exclusive of considerable disbursements in effecting other improvements at the same period of general distress.

The road from Dublin to Naas, which had been almost uniformly bad, having become nearly impassable in the year 1798, the late Lord Clare and other gentlemen of the country were induced, by the good state of the remainder of the line which lay between Naas and Limerick, and which, in 1793, had been placed under the management of Messrs. Anderson and Bourne, to propose to Messrs. Anderson and George and Alexander Taylor, who had progressively acquired an interest in the Limerick coaches and road, to vest the tolls and management of the road from Dublin to Naas in them for 50 years, provided they consented

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to advance a sufficient sum to put it in proper repair, and keep it so during that period. This was objected to, unless the lease or tenure for the remainder of the line, that is, from Naas to Limerick, with which the parties were so intimately connected, should be prolonged or extended to the same period of 50 years, to afford a prospect of ultimate remuneration.

The urgency of the case, together with a due sense of the services which had been rendered by the Limerick Company to the public, occasioned the adoption of the Act of the 38 Geo. 3, c. 83, which extended the 33 Geo. 3, c. 32, " with all its clauses and provisions, for 50 years."

The Postmaster-general having, in consequence of years of solicitation from the merchants of Limerick and others, entered into an agreement with the coach company to accelerate the conveyance of the mail between that city and Dublin, from five to six Irish miles per hour, the defined remuneration for which, though fairly and honourably admitted by the then Postmaster-general (the Earl of Rosse), has been successfully resisted by the late secretary to the Post-office. That gentleman applied to Mr. Bourne, who gave him a written declaration, that the necessary increase of stages, consequent to augment speed, should not subject his department to any addition of turnpike. Shortly after writing that letter, Mr. Bourne, having seen in the newspaper that a Bill was pending in Parliament in relation to the Post-office, inquired from the then secretary the nature of the proposed measure, and was answered that it was nothing more than the usual Act respecting the postage of letters, or words to that effect. Mr Bourne, believing such to be the fact, rested in consequent security; but when he came of payment of the Post-office tolls arrived, he found a diminution of near one-third of the amount to which the Post-office had been subject, and had uniformly paid under the Acts of the 33d and 38th Geo. 3, during a period of 21 years.

The Road Company was thus deprived of so much of the revenue, upon the faith of which they had been induced to undertake what at the time was not only believed to be a desperate, but is established to have been a coerced speculation.

The Act 59 Geo. 3, c. 108, intituled " An Act to amend several Acts relating to the Post-office and Conveyance of Letters in Ireland," the 3d section of which recites, that arrangements were making for the postage and conveyance of mails and bags of letters by coaches in Ireland with increased expedition, and that it might happen that by change of horses in the same division, an additional toll might be charged and chargeable on such coaches, to the diminution of postage in Ireland, enacts, " that no mail-coach, &c. shall be charged or chargeable with any toll more than once in the same division of road on the same day, calculating from 12 o'clock at night till 12 o'clock the succeeding night, and that no change of horses shall subject any such coach to any additional toll at any turnpike gate whatever." Notwithstanding Mr. Bourne's written guarantee, it might have been very proper to give to his engagement the obligation of law; but to prevent what was deemed a possible and contingent injury, an absolute wrong was inflicted, by depriving the Road Company of part of the customary and covenanted payments which they had regularly received previous to such acceleration.

It is submitted that a clause introduced into an Act of Parliament in the manner that the third clause in the 59 Geo. 3, was introduced, should never be put into operation against Mr. Bourne, as directly interfering with his rights, which were vested in him by prior Acts of Parliament, which were purchased by compact, and which were sought to be taken away without notice to him, and without any enactment expressly or explicitly devesting them. The title of the Act 59 Geo. 3, as before stated, would never lead any one to suppose that a vested right in an individual could by possibility be destroyed by an enactment contained in the statute, even had not all suspicion of its noxious tendency been repressed by official assurance on the subject.

Had this clandestine and surreptitious clause been brought forward in the ordinary course, and the company been thereby enabled to make known their rights to Parliament, it never could have passed into a law; for what property could be safe under such a system of legislation?

That such has been the feeling of his Majesty's government is obvious from the following fact, of which Mr. Bourne has only recently become acquainted: Messrs. Taylor, the lessees of the Kilcullen road, deriving the same rights under the same law that Mr. Bourne claimed, was like him deprived of a portion of those rights by the 59 Geo. 3; they represented to the Lords of the Treasury the injustice that had been done them, when their Lordships, after full inquiry, were pleased by the following minute to restore to the Messrs. Taylor the money withheld from them under the authority of the above Act, and to direct the future payment of the full amount of toll to which they were entitled by the 38 Geo. 3.

Minute, No. 5,972.

" Acquaint the Postmaster-general that my Lords concur with the Solicitor-general in Ireland, (the present Chief Baron of the Exchequer, Joy), that the special claims of Messrs. Taylor to the tolls on the roads in question by virtue of their contract, cannot in justice be set aside by the general provisions of the Act 59 Geo. 3; and they conceive that the Post-office should therefore continue to pay the charges to which they were liable for the mail-coaches on those roads, in strict performance of that contract from the time that such payment has been discontinued, during the remainder of the period for which it is to endure.

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The relief afforded to the Messrs. Taylor was doubtlessly intended to include the Limerick Company, because the cases being precisely similar, the principle of justice by which the Lords of the Treasury were actuated, must alike operate upon both. The minute also treats in the plural of the words, "those roads;" and though Messrs. Taylor had previously been partners in the Limerick, they had not a second road at the period alluded to, nor were nor are they in any manner or way connected with any other road than that from Dublin to Kilcullen.

The 5*s.* toll or penalty, in the Acts of the 33 and 38 Geo. 3, c. 32 & 92, which the peculiar circumstances of the Limerick and Kilcullen roads induced and justified, having been subsequently introduced into other, particularly the Mullingar Road Act, not entitled to such protection; an Act passed 50 Geo. 3, c. 32, abolishing this restrictive toll generally, but such repeal having been found and pronounced in Parliament to be an infringement of vested rights, those rights were fully restored by the 51 Geo. 3, c. 40, which more strongly marked the transaction by a clause admitting the amendment of the Act in the same session. Accordingly another Act was passed of the 51 Geo. 3, c. 82, which, after observing that it is expedient that the said tolls or penalties shall be repealed, and a more moderate toll be taken instead thereof, enacts, "that from and after the passing of this Act, and during the continuance of the said recited Acts, (the 33 & 38 Geo. 3,) it shall be lawful to demand and take at every pay-gate for every stage coach or other carriage plying for hire or conveying persons for hire," "the sum of 4*d.* for every horse drawing such coach or other carriage, in addition to the tolls granted by the said Acts to be paid;" "provided always, that such additional tolls shall not extend to waggons or other carriages with broad wheels, in the said recited Acts, or either of them, mentioned and specified."

It is not stated in any Act that the protecting toll of 5*s.* per horse was oppressive, and ought to be unconditionally repealed, but in the same spirit of justice and consideration by which the Act of the 51 Geo. 3 restored the 5*s.* toll, the Act of the same session (51 Geo. 3, c. 92), in protecting the public by again repealing its operation on certain carriages, and on certain roads, whereon there existed individual and vested interests, gave in lieu thereof 4*d.* additional toll for every horse drawing every stage-coach or other carriage plying for hire or conveying persons for hire, thus defining the "more moderate toll" given in lieu of the 5*s.* toll or penalty repealed.

Had the Legislature not intended to atone for and compensate its admitted, though unintentional, violation of vested rights in the first repeal of the 5*s.* tolls, why restore them, and why in the Act by which they were restored admit of its amendment in the same sessions, except with a view to an equitable modification of such excessive toll; and why in such subsequent Act (51 Geo. 3, c. 92), was not the Mullingar road placed, in respect to compensation, on the same footing as the two other roads, except that in regard thereto no individual interest had been violated, nor any existing right affected? It was not, therefore, to meet nominal and unsought-for damages, as in the case of the Mullingar road, that the statute was framed, but to give equitable compensation to those who were by law and equity entitled to demand it. The consideration which in so marked a manner provided that the toll of 4*d.* per horse "shall not be deemed to extend to waggons or other carriages with broad wheels," would have also excepted mail-coaches, had their exemption from toll been contemplated by the Legislature; and in such case, from what source was the compensation "in lieu" of the 5*s.* toll to be derived? but the Act, by limiting the exemption to waggons with broad wheels, guarded against a more extended construction of exemptions.

It cannot be supposed that Parliament, after the mature deliberation to which it had been called by frequent discussion, and whilst professing, upon public principle, and a regard for public faith, to restore unimpaired a right which had been incautiously infringed, could conceive that the permission to receive a toll of 4*d.* for each horse, amounting to 1*s.* 4*d.* for four horses, should compensate for the abrogation of an undisputed right to demand 20*s.*; or that, in point of equity, there was less injustice in annulling a right to 18*s.* 4*d.* (the residue of the penal toll), than there admittedly had been in taking away the whole 20*s.*; the trivial difference in the amount of injury could not be held to justify a measure in the former case, which in the latter had been repealed with reprobation. It was only by extending the operation of the toll that compensation could be made for abatement in the amount of charge; and it is contended that both the letter and the spirit of the Act 51 Geo. 3, c. 92, coupled more especially with the preceding Act (c. 32), that such was the intention of the Legislature.

The Post-office being bound by contract to pay the turnpike tolls chargeable on mail-coaches, the extra charge of 4*d.* per horse was demanded on the termination of the quarter in which it became due; but the then secretary (Sir E. Lees) refused payment, alleging that mail-coaches did not come within the operation of the Act. Mr. Bourne, therefore, sent the Act 51 Geo. 3, c. 92, to the Attorney-general, the Solicitor-general, and to Messrs. Vandeleur and Parsons, then counsel to the Post-office, with a simple interrogatory written on the face of the Act, "whether or not mail-coaches came within the provision of that law?" and to that question the following answers were given:

The Right Hon. *Wm. Saurin*, then Attorney-general.—"No doubt that mail-coaches and post-carriages are within the Act, and liable to the extra toll of 4*d.* for every horse drawing either of them.

"15 October 1811. (signed) "*Wm. Saurin.*"

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The Right Hon. *C. K. Bushe*, then Solicitor-general and now Chief Justice.—" This Act is rather strangely expressed, but I think, upon the true construction of it, mail-coaches and post-carriages are subject to the additional toll of 4*d.*

" 15 October 1811. (signed) " *C. K. Bushe.*"

Mr. *John Parsons*, K. C.—" I think that mail-coaches and post-coaches are included within the description in the Act, and that they are liable to the additional toll of 4*d.* on each horse. The only doubt I had on the case was, whether the additional toll was payable on other carriages than those carrying more than six inside and three outside; but I think the words of the enacting clause are too strong for this construction.

" October 1811. (signed) " *J. Parsons.*"

Mr. Vandeleur was at the time in England, and the papers sent to him were in consequence returned; but on his arrival in Dublin, the case was again sent for his consideration, and again returned; he observing to the gentleman who presented it, that he did not like to give an opinion against his client, the Post-office, as no member of the bar could entertain a doubt of Mr. Bourne's right to the 4*d.* toll.

The foregoing opinions, and the result of the application to Mr. Vandeleur (now one of the Justices of the King's Bench), were communicated to the secretary of the Post-office, but without effect; when Mr. Bourne submitted a detailed case to Mr. Plunket, the present Lord Chancellor of Ireland, and received from him the following opinion:

Lord Chancellor *Plunket.*—" I am of opinion that the assignees of the persons named in the Act of the 33d of the King, are entitled, under the 51st of the King, to charge mail-coaches and post-carriages plying for hire the additional toll of 4*d.* per horse mentioned in the last Act; and this seems to me so perfectly clear as not to admit of any doubt; and I should suppose that the Postmasters-general, when fully informed on the subject, will not, in opposition to the opinion of the Crown lawyers, take upon themselves the responsibility of throwing difficulties in the way of so fair a demand.

" 8 November 1811. (signed) " *W. C. Plunket.*"

This opinion was as inoperative with the secretary of the Post-office as those which preceded it, and that gentleman having, from the conflicting sentiments of his superiors, acquired the virtual control of the establishment, Mr. Bourne thought it expedient, by the force of legal authority, to coerce that justice which he could no longer hope to conciliate; and he submitted a further case, accompanied by all the previous opinions on the subject, for the advice of the Right Hon. Mr. Plunket, and received the following opinion:

Lord Chancellor *Plunket.*—" The first object of consideration is Mr. Bourne's right, the second, his remedy. I have very carefully reconsidered my former opinion, and have examined the several documents then and now laid before me, and I cannot find any ground to warrant a change in that opinion, or indeed to throw any, the slightest doubt upon it. By the Act of 1793, the tolls were vested in Mr. Bourne and his partner, and for the purpose of inducing them to undertake the duties and incur the expenditure therein mentioned, various tolls were imposed, in some instances so heavy as to operate as a prohibition on the description of carriages to which they attached. This latter circumstance, however necessary and proper it might have been in 1793, was afterwards felt to be a public
24 May 1810. inconvenience, and accordingly the Act of the 50th of the King, c. 32, enacted, that such carriages, subject to such regulations as thereby prescribed, should be subject only to the same tolls as other carriages.

" The Act, however just with respect to the public, was, on attention being called to it, admitted to be an injustice to the proprietors of the tolls, who had expended their money and devoted their time and exertions in the faith of the protection afforded by the former
31 May 1811. Acts; and accordingly, by the 51st of the King, c. 40, the provisions of the Act passed in the preceding year were repealed, and things restored to their former situation, with the same precipitancy with which they had been altered; for, as in the former instance, the interests of the public were provided for without any consideration of the rights of individuals, so in the latter, the rights of individuals were restored without any reference to the interests of the public. In order, therefore, to do away the effect of these two indiscreet
26 June 1811. Acts, the Act of the 51st of the King, c. 92, was passed, on the avowed principle of protecting the public, and giving compensation to the individuals.

" It enacts, therefore, not that instead of 5*s.* for every horse drawing a certain description of carriage, 4*d.* should be levied on every horse drawing the same description of carriage, which would have been only a different (a very slightly different) degree of injustice from that which had been committed by the repealed Act, but, in order to make compensation, it gives an additional duty of 4*d.* for each horse to every description of carriage plying for hire.

" The words of the Act are so clear, that it appears that the law officers and the counsel for the Post-office entertain no doubt upon it; and the justice and reason of the case are so clear, that if an Act had been passed, taking away the duty of 20*s.*, and in lieu thereof granting a duty of 1*s.* 4*d.* on the very same description of carriages, the Legislature would be bound to repeal it on the very same principle of justice on which they repealed the Act of the 50th of the King, c. 32.

" The

" The Postmasters-general and the Chief Secretary to the Lord Lieutenant appear to me to have adopted a view of the case which will not be sustained on an attentive examination; and with every possible respect for the conscientious sense of public duty by which they are actuated, I own it appears to me a strong measure to throw obstacles in the way of the operation of an Act of Parliament, whose legal construction has been sanctioned by every authority appealed to, even if the policy of its enactments rested on grounds more questionable than those which have been suggested.

(signed) " *W. C. Plunket.*"

" 24 January 1812."

Although no possible doubt could exist on the question of law which had been so decidedly determined in the preceding opinions, yet to meet a question which had been only incidentally introduced in the previous queries, as to the liability of post-chaises to the payment of the extra toll of 4*d.*, a case was submitted to Mr. Serjeant Johnson, now one of the justices of the Common Pleas, which, after recapitulating the various Acts bearing on the subject, and calling to his consideration the circumstance that the toll of 5*s.* per horse, imposed by the Act 33 Geo. 3, c. 32, s. 17, was chargeable only on stage-coaches, or carriages plying for hire, " which carried at any time upon any part of the said road more than six persons withinside, or more than three persons besides the driver upon the outside of any such coach or other carriage," his opinion was requested,

First, " Whether the additional toll of 4*d.* per horse extends to mail-coaches which are prohibited by their contract with the Post-office from conveying more than four inside and one outside passenger besides the driver and guard; and are the Postmasters-general bound to pay the additional toll of 4*d.* per horse to the road companies, as they, the Postmasters-general, are bound to pay all tolls to which mail-coaches are subject by law? On the Limerick road the mail-coach contractors are also proprietors of the turnpike tolls."

" Are post-chaises plying for hire liable, under the 51 Geo. 3, c. 92, s. 2, to pay the additional toll of 4*d.* per horse?"

To which Mr. Serjeant Johnson gave the following opinion:

Mr. Serjeant *Johnson*, now one of the Justices of the Common Pleas.—" I think the additional toll of 4*d.* per horse extends to mail-coaches, though they should be prohibited by their contract with the Post-office from carrying more than four inside and one outside passenger, and though they should in fact not convey any greater number. I think the sum of 4*d.* per horse is an additional toll to the then existing toll on the roads in question, on all stage or other carriages plying for hire, and it is not affected by the greater or lesser number of passengers, and though given in lieu of the penalty of 5*s.*, for carrying a greater number of passengers than allowed, is not confined to carriages so offending, but is a general toll, payable by all stage-coaches and other carriages plying for hire on those roads; and I think the Postmasters-general bound to pay this additional toll, if, by their contract, they are bound to pay all tolls to which mail-coaches are subject by law.

" The words used in the 2d section of the 51st of the King are extremely general: ' Stage-coaches, or other carriages plying for hire, or carrying persons for hire.' It is clear that hack post-chaises, plying for hire by the mile, come within the description, and are therefore liable to this additional toll of 4*d.*

(signed) " *William Johnson.*"

" Harcourt-street, 18 Nov. 1814."

Early in 1823, a case was submitted to the then Attorney-general, stating that for 21 years certain tolls were paid by the Post-office for mail-coaches travelling the roads in question, until the year 1819, when an Act (the 59 Geo. 3, c. 108), was passed, which considerably diminished the amount of tolls previously paid, and counsel's opinion was requested whether that Act (59 Geo. 3) was not an infringement of the rights vested in individuals by the Act 38 Geo. 3, c. 83, and whether the Act of the 38th of the King, which conferred such rights, did not also secure the enjoyment of them, on the faith of Parliament, during the full period of their demise: to this the then Attorney-general returned the following opinion:—

The Right Hon. *W. Saurin.*—" I am of opinion, that under the Act 38 Geo. 3, c. 83, the contractors mentioned in it were entitled to the tolls thereby appointed on mail-coaches, as well as on other coaches, there not being any exception or exemption made in their favour by the Act, nor any such exemption by virtue of any common law or prerogative principle; and it is, I conceive, quite a mistake to suppose that it was by virtue of the then Post-office Act, of the 29th Geo. 3, and the renewals of it annually, that mail-coaches were liable to pay tolls on turnpike-roads, on which tolls were established by the Act of Parliament under which those turnpikes were established and tolls granted. They were so liable because they came within the description of carriages described in those Turnpike Acts, and being so liable by law, the Post-office Act meant only to authorize the Postmasters-general to make the payment, and to regulate a convenient mode by which it should be done.

" I am, therefore, of opinion, that the contractors, under the Act of 1798, were purchasers by contract, &c., for valuable consideration of the tolls thereby granted, on all carriages thereby made subject to tolls, and consequently on coaches carrying the mails, as coming under the description in the Act, and have, by virtue of that Act, a legal vested right to

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Papers referred to in Mr. F. Bourne's Evidence, 26 June 1837.

such tolls, which they could enforce under that Act, and not as derived under the Post-office Act; and having such legal vested right, I have no doubt that the subsequent Act of the 59 Geo. 3, c. 108, s. 3, was an infringement on their legal and vested rights.

(signed) "*W. Saurin.*"

"12 February, 1823."

A case similar to that submitted to Mr. Saurin, was laid before Mr. John Leslie Foster, who replied as follows:

Mr. *John Leslie Foster*, now one of the Barons of the Court of Exchequer.—"I fear that this case is stated too concisely to admit of any opinion given upon it being entirely satisfactory. The 38 Geo. 3, c. 83, vested the tolls in certain individuals for 50 years, in consideration of the expenditure of their own money, and prescribes, with great particularity, the rates which might be taken. The 16th and 24th sections determine the number of gates at which those tolls may be demanded; viz., at one gate in each division for the same horses; but at two gates in one division, if two sets of horses are employed in it. There is no exemption for mail-carriages; and on the contrary, by the Post-office Act then in force, 38 Geo. 3, c. 15, s. 29, the mail-carriages are expressly subjected to the ordinary tolls. I understand that it is now contended on the part of the Post-office, that that Act was in force but for one year, and that the contractors had therefore no right to rely on its provisions being renewed; but the Act 38 Geo. 3, c. 15, is not limited, as far as I can see, in its own continuance; it grants indeed the duties upon letters for one year only; but some of its enactments appear to me to have been intended as permanent, and this 29th section, amongst others; and in point of fact, it never has ceased to be the law, and is so at this moment, notwithstanding the 59 Geo. 3, c. 108. The latter Act operates, however, an important change, not in the 38 Geo. 3, c. 15, s. 29, but in the 38 Geo. 3, c. 83, ss. 16 and 24, which it alters, and in fact repeals, very much to the injury of the contractors, taking away the right to repeat the toll upon a change of horses in one division. How far the contractors have a substantial reason to complain, appears to me to depend principally upon the fact, of whether it had or had not been the practice to change the horses within one division, antecedent to the passing of the 59 Geo. 3. I do not collect from the statement how the fact is. If the practice had prevailed, the 59 Geo. 3 takes away from the contractors a source of income of which they were in actual possession; but if it had not, the Act only prevents them from possessing themselves of an income which they never yet enjoyed. In either case the 59 Geo. 3, appears to me to deprive the contractors of the benefit of their agreement with the public, and to take away vested rights, without giving an equivalent; but these circumstances, in case of their becoming actual losers, would probably be more attended to than if the extent of their grievance is their being prevented from becoming gainers, by the proposed increase of celerity in the transmission of the mails. This depends upon the circumstance above referred to, and it seems important that that fact should be cleared up. The 59 Geo. 3, evidently assumes that the practice of changing horses within one division was a prospective amelioration of the course theretofore adopted, and if the fact is otherwise, the contractors have additional reason to complain.

(signed) "*John Leslie Foster.*"

Although the case was not sufficiently explicit to relieve Mr. Foster from any doubt as to the road company having enjoyed a second toll in any one division, in consequence of change of horses within that division, previous to the passing of the Act 59 Geo. 3, yet the fact was, that for more than 20 years the Post-office had unhesitatingly paid a second toll in each of the several divisions of the road in which change of horses within such divisions had taken place, and consequently the opinion of Mr. Foster, contingent to that fact, is conclusive as to the infraction of the rights of individuals by the Act of 59 Geo. 3.

Making several miles of new road, and the heavy disbursements necessary to put and to keep the old one in proper order, having, from its defective construction, absorbed the means originally designed to improve the entire line, Government, on the application of the commissioners, lent 6,198 *l.* Irish to complete the remainder of the new road between Nenagh and Limerick, upon that part of which that lies between Nenagh and Kilmastulla. On the above loan Mr. Bourne paid 650 *l.* 15 *s.* 9 *d.* interest, including 2 per cent. sinking fund to Government; but the Post-office, without even professing to be sanctioned by any legal authority, setting that of the Crown lawyers and of its own at defiance, and continuing to refuse to pay the road company the money which had been thus demonstrated to be their right, Mr. Bourne solicited the then Secretary for Ireland, that the question should be determined upon its general merits by the Lord Lieutenant in Council, or individually, or by a jury, or by the 12 judges, or any one of the 12 he might be pleased to appoint.

But the secretary to the Post-office having succeeded in influencing that gentleman's better judgment, as he had done with others to whom his situation afforded him frequent access, Mr. Bourne was advised to withhold the interest, as the only means by which the road company could obtain a legal decision upon their right; and in doing so he uniformly professed his readiness to give full credit for the interest and sinking fund, due to Government, out of the money due to the road company.

Mr. Bourne, therefore, claims from the Post-office a yearly sum of 584 *l.* British, from the year 1811, and compound interest upon it, being a sum composed of the toll of 4 *d.* for each horse drawing the mail-coach, under the Act of the 51 Geo. 3, c. 92; and he claims also

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also a yearly sum of 219*l.* British, from the year 1819, which has been stopped from him by the Post-office since the passing of the Act of the 59 Geo. 3, with compound interest also; his claim to compound interest being founded on the usage in such cases, and also in this, that Mr. Bourne himself is charged with compound interest.

The opinions before alluded to are sent herewith.

Your opinion is requested on the two following queries:

1st. Whether Mr. Bourne is entitled to the toll of 4 *d.* per horse on horses drawing mail-coaches, under the Act of the 51 Geo. 3, c. 92?

2d. Whether the Act of the 59 Geo. 3, c. 108, is not an infringement on the rights of Mr. Bourne and those from whom he derived, under the Acts of the 33 Geo. 3, c. 32, and 38th Geo. 3, c. 83, and whether the tolls payable under authority thereof were not guaranteed to the proprietors by the faith of Parliament, during the continuance of those Acts, notwithstanding the passing of the Act of the 59 Geo. 3, under the circumstances before stated?

Mr. *W. Greene*, K. C.—"I am clearly of opinion that, under the 51 Geo. 3, c. 92, s. 2, Mr. Bourne is entitled to the additional toll of 4 *d.*, thereby imposed for each horse drawing a mail-coach, such coach being 'a carriage plying for hire, or conveying persons for hire.'

"The right to toll conferred by the Act 33 Geo. 3, c. 32, and 38 Geo. 3, c. 83, extended as well to mail-coaches, as to other coaches. Such right was by these Acts absolutely granted to the proprietors for a definite term of 50 years. If, therefore, the proprietors of the tolls were entitled, before the passing of the 59 Geo. 3, c. 108, to toll upon a change of horses (as it appears they were), it necessarily follows, as I conceive, that the latter Act was a direct infraction of their legally vested rights, for which I think the Legislature must be considered as having contracted with them and their assigns by the original Acts.

(signed) "*Richard W. Greene.*"

"20 September 1832."

The Right hon. *F. Blackburne*, Attorney-general.—"A mail-coach is, in my opinion, a carriage 'plying for hire' within the meaning of the 51 Geo. 3, c. 92, s. 2, and therefore Mr. Bourne is entitled to the toll of 4 *d.* per horse thereby imposed for each horse drawing it.

"The tolls granted by the Acts of the 33 Geo. 3, c. 32, and 38 Geo. 3, c. 83, were payable for horses drawing mail and all other coaches. By these Acts they were vested in and became the absolute property of the toll proprietors for a term of 50 years, and were unquestionably guaranteed for that term by the faith and authority of Parliament: it follows of necessary consequence, that the Act of the 59 Geo. 3, c. 108, was a direct infringement and violation of the rights which those Acts created.

(signed) "*F. Blackburne.*"

"24 September 1832."

Mr. *P. C. Crampton*, Solicitor-general.—"I am of opinion that Mr. Bourne, under the 51 Geo. 3, c. 92, became legally entitled to the toll of 4 *d.* per horse on horses drawing mail-coaches, as well as other carriages plying for hire.

"Secondly, I think that the Act of the 59 Geo. 3, c. 108, was a direct infringement of the rights of Mr. Bourne, under the Act of the 51 Geo. 3, c. 92, and the previous Acts upon the same subject; and I think that the tolls so payable under the authority of the 51 Geo. 3, c. 92, were, by the faith of Parliament, guaranteed to the proprietors of such tolls during the period of 50 years, limited by the Act of the 38 Geo. 3, c. 83. I must add, that I think the statute of the 59 Geo. 3, c. 108, would not have received the sanction of the Legislature had they been apprised of the nature and character of Mr. Bourne's rights under the previous Acts.

(signed) "*P. C. Crampton.*"

"25 September 1832."

Mr. *G. Bennett*, K. C.—"First, I am decidedly of opinion that Mr. Bourne is entitled to the additional toll of 4 *d.* per horse on horses drawing mail-coaches, under the Act of the 51 Geo. 3, c. 92, a mail-coach being within the very terms of the Act, 'a carriage conveying passengers for hire.'

"Secondly, by the Acts of the 33 Geo. 3, c. 32, and 38 Geo. 3, c. 83, Mr. Bourne, and those from whom he derived, were entitled to the tolls payable, by those Acts, for a period of 50 years; and I look upon them to have in fact contracted with the Legislature for those tolls during that period; consequently I am clearly of opinion, that the Act of the 59 Geo. 3, c. 108, was an infringement on their legal vested rights, which I can scarcely believe the Houses of Parliament were aware of, or of the effect of the Act when they passed it.

(signed) "*George Bennett.*"

"Merrion-square, 27 September 1832."

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Papers referred to in Mr. F. Bourne's Evidence, 26 June 1837.

—(No. 5.)—

AN ACCOUNT of the Receipts and Disbursements on the *Limerick* Road for Three Years, to 5th March 1836.

Dr.

		£.	s.	d.
5 March 1834	Disbursed for one year to this date	2,288	2	4½
	Interest paid on debentures	39	13	5
	Mr. Maxwell's annuity	628	19	2
5 March 1835	Disbursed for one year to this date	2,462	17	4
	Interest paid on debentures	71	13	9
	Mr. Maxwell's annuity	628	19	2
5 March 1836	Disbursed for one year to this date	2,256	18	-½
	Interest paid on debentures	74	8	4
	Mr. Maxwell's annuity	628	19	2
	Balance	5,750	18	7
	£.	14,831	9	4

The debentures are liable to an annual interest of 75*l.* 19*s.* 1*d.*

I apprehend this account is in some degree erroneous, and that the balance should be greater than it appears; but this, perhaps, is immaterial in the present inquiry, as, should it lead to ulterior proceeding, more detailed accounts, verified by oath, will be required.

Cr.

		£.	s.	d.
5 March 1834	Cash received from turnpike-gates one year	3,137	1	1
	— stage-coaches and vans	1,233	—	7
	— mails	730	—	—
5 March 1835	— turnpike-gates this year	2,816	1	11
	— stage-coaches and vans	1,360	10	—
	— mails	730	—	—
5 March 1836	— turnpike-gates this year	2,736	3	10
	— stage-coaches and vans	1,358	11	11
	— mails	730	—	—
	£.	14,831	9	4
Balance		5,750	18	7
By 4*d.* additional toll, for the above three years, on each horse for Limerick mail, amounting to 449*l.* 4*s.* 7*d.* yearly (paid quarterly by the general post-office)		1,347	13	9
		7,098	12	4
By 4*d.* additional toll, for like period, on each horse drawing the stage-coaches and caravans (797*l.* 17*s.* 10*d.* yearly*)		2,393	13	6
	3)	9,492	5	10
	Per annum £.	3,164	1	11

* This extra toll was not levied on the above stage-coaches and caravans for several years, in consequence of an understanding between the proprietors of the tolls, who possessed half-interest in the coach establishment, and the owner of the other half, who provided the carriages for the use of the establishment, that such carriages should be furnished, some at a diminished charge and others without charge, in consideration of exemption from this extra toll. By a subsequent arrangement, now subsisting, the toll and the full factory mileage are respectively charged, excepting the toll for change of horses, which is suspended in respect to the vehicles in question, during the pleasure of the road lessees, and is not noticed above.

No. 6.
Papers referred to in Mr. F. Bourne' Evidence, 26 June 1837.

— (No. 6.) —

Comparative Scale of the Rates of Travelling by the Mails from Dublin, and Fares Inside and Out.

—	Distance from Dublin.	Time Travelling.	Rate per Hour.	Inside Fare.	Rate per Mile.	Outside Fare.	Rate per Mile.
	English.	*h. m.*	*h. m.*	*s. d.*	*d.*	*s. d.*	*d.*
Belfast night mail -	102 –	11 30	8 7	30 –	3⅓	17 6	2
Ditto day d° -	102 –	12 –	8 4	25 –	3	15 –	1¾
Cork by Clonmel -	160 –	18 30	8 5	45 –	3⅜	20 –	1½
Cork by Cashel -	160 –	20 –	8 –	40 –	3	20 –	1½
Derry - - -	144 –	17 –	8 4	40 –	3⅓	27 6	2½
Limerick - -	119 2	13 –	9 1	35 –	3⅓	20 –	2
Galway - - -	133 –	14 45	9 0	33 –	3	22 –	2
Sligo - - -	132 –	15 30	8 4	32 6	3	21 6	2
Enniskillen - -	102 3	12 –	8 4	25 –	3	15 –	1¾
Waterford - -	97 3	12 –	8 1	30 –	3¾	15 –	1¾
Wexford - -	94 1	12 –	7 6	25 –	3⅓	13 –	1⅝
Kilkenny - -	75 4	9 –	8 3	15 –	2½	8 –	1⅛

Appendix, No. 7.

LETTER from *W. L. Maberly*, Secretary of the General Post Office, to *Robert Wallace*, Esq., M.P.

No. 7.
Letter from W. L. Maberly to R. Wallace, Esq.

Sir, General Post-Office, 30 June 1837.

I HAVE the honor to inform you, in reply to your letter of the 29th instant, that the terms of the present contract for conveying the mails between Dublin and Limerick are 6*d.* the double British mile, which is at the rate of 2 *l.* 19 *s.* 6 *d.* a day, or 1,085 *l.* 17 *s.* 6 *d.* per annum for 119 miles, and the contractors pay out of that sum 2¼ *d.* for the use of the coaches; and as, under the new contract, which will commence on the 6th of July, the Post-office will have nothing whatever to pay for the conveyance of the mails in question, the difference in favour of the revenue is consequently 6 *d.* the double British mile, or 1,085 *l.* 17 *s.* 6 *d.* per annum.

I have, &c.
(signed) *W. L. Maberly.*